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OF THE French Monarchy: AND Absolute Power.

And also

A TREATISE Of the Three States, AND Their POWER.

Deduced from the most Authentick Histories, for above 1200 years; and digested: This latter,

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DISCOURSE

Concerning the

French

MONARCHY

AND

ABSOLUTE POWER.

WHen the Roman Empire went to wrack, all the Provinces were drain'd, all the Inhabitants fit for Arms carried away for Recruits to ſupport it: By theſe means the Provinces were left expoſed to the violence and invaſion of Strangers, which gave occa-

ſion to the many turns and changes in theſe parts of the world. Thus the Saxons or Engliſh became Maſters of *Britain*, and the French (another people of *Germany*) took that opportunity to advance beyond their borders, and puſh on their advantage till they got poſſeſſion of all the fair Territory; and the very name of Gauls was ſwallowed up by them; and henceforward *Britain* and *Gaul* began now to be called *England* and *France*.

As with us grew ſeveral diſtinctions (from our ſituation) of *Northfolk*, *Southfolk*, *Eaſtſex*, *Southſex*; ſo the French were divided into Eaſtrians and Weſtrians: The Country where the former liv'd, by ſome corruption was named *Auſtraſia*, and this other *Newſtria*; till ſuch time as the Danes growing troubleſome to their Neighbours, part of them overran *England*, and another Band of them that they called Northmans, ſubdued *France*; and after much buſtle ſeated themſelves in *Newſtria*, which from thence took the name of *Normandy*.

How long theſe French, after they were

were thus tranſplanted retain'd their *German* liberty, I ſhall not now examine; only I find ſome of their Authors look askue upon the Court of *Rome* on that occaſion; they had complained that their Language grew Italianiz'd, their manners Italianiz'd: But when the Pope came to keep his Court at *Avignon*, new Phraſes and new Forms crept alſo into their policy. Then came in faſhion thoſe Letters *du propre monuement, &c.* which that man of Morals, *Monſieur Pitrach* could ſo ill digeſt.

Je hay les mots de puiſſance abſoliüe,
De plain pouuoir, de propre mouuement;
Aux Saints decrets ils ont premierement,
Puis a nos loix la puiſſance tolliüe.

The Pope firſt employed them to *render the Laws of* the *Church of no effect.*

Their Champions for *Abſolute Power* acknowledge, that the King is tyed to forms; that his Commands will not move but in the proper Channel; that the Kings letters have not any force or vertue unleſs they be underſign'd by a Secretary

of State; nor his Letters Patents, unleſs they be ſo ſign'd; and then ſealed by the Chancellor, who has it in his power to cancel them,& who ſeals them not without the advice of one or two Maſters of the Requeſts aſſiſting at the Seal;& who is,as it were,a ſevere Controuler of the Kings orders,edicts,wills,commands, & grants.

Baracane *defence de la Monarchy, Fr. p.* 409.

But ſay they — ni du Pape meſme n'ont aucune vertu ſi elles ne ſont ſignees par le greffier,Secretaire,ou dataire ſeelées par le ſeelleur, Gardeſaux ou Chancellier,quoy pour cela? C'eſt ordre a eſté ſagement eſtabli par tous les Princes & ſeigneurs, tant ſpirituels,que temporels, pour ſe garantir des ſurprinſes & obvier aux fauſſetez. Il eſt plus malaiſe de contrefaire deux ſeings, & falſifier un ſeau , que d'en contrefaire un ſeulement. Le ſecretaire d'eſtat, ou de la coronne ne ſignera jamais aucunes lettres, ſi le Roy ne luy commande; & les lettres, qui ſuivant les Ordonnances du Roy, doivent eſtre ſignees par un ſecretaire d'eſtat, ne paſſeront point au ſeau, ſi elles ne ſont munies du ſeing du Secretaire,

Secretaire, & ſi elles ſont contraires a la volunté du Roy, exprimeé par ſes Edicts & Ordonnances, le Chancellier ne les ſeellera point, que premierement il n'en aye averti le Roy, tout cela en un mot tend au ſervice du Roy: Et de le vouloir renverſer contre le Roy, c'eſt tourner la lumiere en tenebres, convertir le feu en glace,& mettre la terre par deſſus le ciel. *Neither have the Letters of the Pope himſelf any vertue, if they be not ſigned by the Clerk, Secretary, or Dators; and ſealed by the Sealer, Sealkeeper, or Chancellor: What of all this? This order has been wiſely ſettled by all Princes and Lords as well ſpiritual as temporal, to ſecure them againſt ſurpriſes, and to prevent forgeries; it being more difficult to counterfeit two Signings and one Seal, than if there were but one hand to be forged. The Secretary of State ſhall never ſign any Letters unleſs the King command him, and they ſhall never come to the Seal, unleſs they be fortified with the ſigning of the Secretary; and if they be contrary to the Kings Will expreſſed in his Laws, the Chancellor ſhall never ſeal them, till he has adverti ſed the King there-*

of. All this, in a word, is for the Kings ſervice; and to count this a leſſening of the King, is to turn light into darkneſs, fire into ice, and to ſet earth above heaven.

Then for the power which the Parliament ſeems to exerciſe in approving or refuſing any publick Acts, Grants, Orders, Officers, *&c.* made by the King: This makes no Argument againſt his *Abſolute Power*, the ſame Doctor tells us; Qu'il eſt neceſſaire qu'elles ſoient ſolennellement reconues, enregiſtrees, & publieés, pour eviter les obreptions, ſubreptions, & ſurprinſes qui pourroient eſcheoir en l'impetration des lettres, des officés, & des autres; & meſmes pour vuider les oppoſitions qui peuuent eſtre formeés par ceux qui y pretendont quelque intereſt. Auquel le Roy n'entend deroger, ſi n'en eſt fait expreſſe mention dans icelles; & pour ces cauſes telles lettres ſont preſenteés ou Parlement, avant que les pourveus des Offices entrent en l'exerciſe ou iouiſſance d'iceux, & quant le Parlement juge, y avoir eu de la ſubreption & obreption ou

de

de la trop grande importunité en l'impetration d'icélles, & que l'execution en ſeroit prejudiciable au ſervice du Roy & du publique, il refuſe de les enregiſtrer, & donne advis au Roy des cauſes du refus, fondeés ſur ſon ſervice, d'ont il eſt bien aiſe, encore que quelquefois il face ſemblant a l'impetrant d'icélles en eſtre marri—*That it is neceſſary they be ſolemnly approved, recorded, and publiſhed, to avoid obreptions, ſurreptions, ſurpriſes, and all the fraud and foul practiſe that might have been uſed in obtaining thoſe Letters, Offices, or other Grants; as alſo to avoid the oppoſitions of thoſe who pretend ſome right or intereſt, which the King intends not to prejudice, unleſs expreſs mention be made thereof; and for theſe cauſes ſuch Letters are preſented to the Parliament, before any who have the grant of Offices, are admitted to the exerciſe or poſſeſſion of them. And when the Parliament judges that any fraud or foul means had been practis'd, or too great importunity us'd in obtaining them, and that the execution of ſuch Grants might be prejudicial to the ſervice of the King and of the Publick,*

then does the Parliament refuſe to record them, and makes the King acquainted with the cauſes of their refuſal founded upon his ſervice; whereat he is right glad, though ſometimes to him who had the Grant, he makes a ſhow as if he were vext.

All agree the matter of fact, but how the King is thus bound, and how this tye lyes upon him they want language ſoft enough for an occaſion ſo tender: *It has always ſo been*, de toute l'ancienneté, ſays one; *antiquâ conſuetudine*, ſays another; their Kings have always had the *wiſdom* to ſubmit to theſe forms, ſays *Baracaue*: the *modeſty* ſays *du Tillet*, the *good Nature* ſays *P'aſquier*, *une debonnaireté, a goodneſs familiar to 'em, to reduce their wills under the civility of law*: Some call it a *magnanimity Royal and becoming a King, and a glory beyond that of conquering Nations*. *Bodin* (from the Civilians) aſcribes it to their *humanity*. *Sed id tamen ſenatu probante fieri humanum eſt*, ſays *Theodoſius*; which *Baldus* interprets, *non tam neceſſitatis quam humanitatis*: and to their *Majeſty*; *Digna vox eſt Majeſtate regnantis legibus alligatum principem ſe profiteri*;

profiteri; to do otherwiſe would be a *Levity* and *Vanity*, as he cites it from the Senator in *Livy*. *Levius eſt & vanius ſua decreta tollere quam aliorum*: Others venture to go a little farther, they ſays *Paſquiere*, who under the pretence of an *Abſolute Power*, would flatter the Kings to be above law. En lieu de leur gratifier dirent en un obſcur language, que les Roys n'eſtoyent point hommes, ains lyons, qui par le moyen de leur force s'eſtimoyent avoir Commandment ſur les hommes. *Inſtead of ſaying a grateful thing ſay by craft that Kings are not men but lyons, who think by their might to have the command over men.* Says *du Tillet*, Si leur puiſſance abſolüe n'y eſt regleé, elle devient diſſolüe: *If it be not regulated, their power is not abſolute but diſſolute:* And a Spaniſh Treatiſe of Politicks, with twenty approbations before it, affirms: *Iron de ſanta Maria.*

Si el monarca ſea quien fuere, ſe reſoluiere por ſola ſu cabeça, ſin acudir a ſu conſeio, o contra el parecer de ſus conſeieros, aunque acierte en ſu reſolution, ſale de los terminos de la monarquia, y ſe entra en los de la tyrannia.

If

If a Monarch whoe're he be, ſhall of his own head reſolve any thing without the advice of his Council, or contrary to the opinion of his Counſellors, though right in his reſolution; he breaks out over the bounds of Monarchy into Tyranny.

This Spaniard took his notion from that paſſage in *Livy*, where he gives an account, how *the laſt* Tarquin *was the firſt of their Kings that without adviſing with any other than a Cabal of his Domeſticks, made peace and war, made and broke Leagues and Alliances, and govern'd all of his own head, never conſulting the Senate and People, as the cuſtom of his Predeceſſors had always been, having firſt by practices leſſen'd the number of the Senators (that nothing but the Rump of a Senate remain'd) to make them the more contemptible.* Quo contemptior paucitate ipſâ ordo eſſet, minuſque per ſe nihil agi indignarentur, hic enim Regum primus traditum a prioribus morem de omnibus ſenatum conſulendi ſolvit; domeſticis conſiliis rempublicam adminiſtravit, bellum, pacem, fœdera, ſocietates per ſe ipſe cum quibus voluit

voluit injuſſu populi & Senatus fecit diremitque.

But I have digreſſed from the French or rather from *Bodin*, who concerns us nearer; having ſet up for a new diſcoverer in Politicks: He would perſwade us that *Plato*, *Ariſtotle*, *Polybius*, *Halicarnaſſaus*, *Cicero*, Sr. *Tho. Moor*, Cardinal *Contarini*, *Machiavel*, and who not, were all in a wrong way —— Et quoniam hæc diſciplina maximos in republica tumultus ac perturbationes ciere poteſt, accuratius uobis eſt ac ſubtilius explicanda. *Their Doctrine tended to Sedition and diſturbances in the Common-wealth, therefore he will handle it with the greater accuracy and ſubtlety:* And what will be the conſequences of *Bodin*'s new learning? Certainly it muſt either make Monarchy ſhort liv'd, by debauching it into Tyranny; or elſe it muſt (as Mr. *Hobbs* who ſees farther, and who writes Engliſh, clears the matter) to eſtabliſh this Tyranny, baniſh all humane Learning and fear of God out of the world.

There have been in all Nations Pens, as well as Voices, ſervile and mercenary; and

and ſuch wretches, as that by *Virgil* damn'd to Hell.

Vendidit hic auro patriam, dominumque potentem
Impoſuit, leges fixit pretio atque refixit.

Who make and unmake Laws, ſhuffle and betray both their Laws and Reaſon, that they may impoſe this dominum potentem, *this Lordly deſpotick power,* to the enſlaving of their Country.

But whether the love of Novelty corrupted *Bodin*, or that he knew no better I examine not: But though our Engliſh Politicians have followed him over hedg and ditch, without ever making uſe of their own eyes or underſtanding; other people do not overmuch admire him; the *Scaligerana* are too ſharp upon him; but the (a) Italian does him reaſon, *Il* Bodino *huomo di molta lectura, ma di confuſa & turbida doctrina, impugnando da per tutto quaſi la politica doctrina* d'Ariſtotele: Bodin (ſays he) *a man of much reading, but confounded and blunder'd in his Notions, contradicting*

(a) *Charamonte.*

dicting Ariſtotle *at every turn.*

Now *Bodin* would have us believe that there can be no ſuch thing as a *mixt Common-wealth*, nor will he allow to be any more than *three ſorts* of Common-wealths. *Nam ſi rerumpublicarum formas bonorum ac malorum finibus, aut virtutibus ac vitiis metimur, infinitas eſſe comperiemus:* And a little after he ſays, *non quæ cuique extrinſecus accidunt intueri oportet.*

By the way we may note, that the vertues have by the moſt been reckon'd to be four, others have reduc'd 'em all to *Prudence*, *Sincerity*, and *Patience*; ſo that Common-wealths might have been diſtinguiſhed by their virtues, without making ſuch an infinite number of them; and to make ſeveral forms from their ſeveral ends, will certainly prove not ſo very *extrinſecal and accidental*, but a *real* and *eſſential* difference. So thought the *Ancients* all who writ of Politicks before *Bodin*; therefore if a *ſingle Perſon* governed for the *good* of the *Publick*, that was called Monarchy; if a *few* governed for the *Publick Good*, that they called Ariſtocracy;

riſtocracy ; if the *People* governed for the *Publick Good*, that was Democracy ; and theſe were counted three ſorts of good Common-wealths. But if a *ſingle Perſon* governed for his *own particular good*, that they would not call Monarchy but Tyranny ; if a *few* governed for their *particular profit*, that they would not call Ariſtocracy but Oligarchy ; if the *People* governed for the *advantage* of the *Rabble*, and not for the *common benefit*, this they would not call Democracy, but Oclocracy, or the *miſrule of the Rabble*. The Greeks I ſay, who coin'd theſe words, made that the currant meaning of them.

There are Authors, who to make ſhort work, divide all Common-wealths into *Monarchy* and *Polyarchy* : Either, ſay they, *one* governs and that is Monarchy; or *more than one* (no matter whether few or many) govern, and then it is a Poliarchy. They who love the diviſion into two, might better ſay that all government is either for the Governors good, and that is Tyranny ; or for the good of thoſe that are governed, and this is

is a Polity or Common-wealth. But theſe are *ſick mens dreams*; may ſhew however that the *End* is more material than the *Number* of thoſe that govern, and conſequently juſtifies the Ancients, who diſtinguiſhing the Common-wealths from their *End*, reckoned ſix ſeveral kinds of ſimple Common-wealths, as afore has been declared. And humane Actions are ſo diſtinguiſhed; the ſame Action may be vertuous or vitious according to the end: Give a Wench mony to debauch her, and give it her to relieve her neceſſities; this is charity, this a vertue, but the other is a kind of a deadly ſin: 'Tis the *End* makes the difference, a difference not *accidental* and extrinſecal, as *Bodin* ſuggeſts, but *real* and *eſſential*.

And as high Juſtice grates upon the borders of wrong and oppreſſion, high courage is near to raſhneſs, liberality to prodigality, *&c.* ſo does Monarchy ſtand upon the brinks of Tyranny, Ariſtocracy eaſily ſlips into Oligarchy, and Democracy into popular diſorder: Therefore the wiſer Stateſmen having obſerv'd this corruption ſo ordinary and familiar

to

to the ſimple Common-wealths, have by art endeavoured of the three good Common-wealths, to compound a *mixt one* that might not be ſubject to the ſame frailties and decay; to temper Monarchy and give it that balance and counterpoiſe by the mixture of the other Common-wealths with it, which might keep it ſteddy, and preſerve it from tottering into Tyranny, which is its ruin. But all theſe matters together with the *growth*, the *decay*, and *changes* of Governments are deſcrib'd by that companion of the great *Scipio Polibius*, ſo accurately and philoſophically, that I cannot forbear to ſet down the whole paſſage, which is to this effect. That, *Man is naturally civil, and diſpoſed to love company, and not* (as they would perſwade us to believe, who ſay the State of Nature is a State of War) *more a beaſt than thoſe that walk on four feet, than the Bruits themſelves that go in Flocks and Herds; and in like manner as the ſtrongeſt Bore, and the ſtrongeſt Bull is always the Captain of the reſt; ſo in theſe companies of men, he amongſt them who was moſt hardy to encounter dangers, and*

had moſt of bodily ſtrength to overcome them, had the reſt for his followers: And thence it was that ſo many Nations had each their Hercules, *and that ſo many came to be called by that name: And in thoſe rude times theſe were the firſt ſort of Kings.*

But by converſing together this rudeneſs wearing off by degrees, and men by little and little coming to be ſomewhat more poliſht, to have ſomething of conſideration, and the uſe of their reaſon, and to underſtand Juſtice and honeſt dealing, and to ſee the advantages that Prudence and a wiſe head had over raw uncultivated ſtrength, not only in deciding Controverſies and adminiſtring Juſtice, but even in providing againſt and repelling of dangers. He therefore now, who was moſt eminent for wiſdom and juſtice, drew moſt eyes upon him, and to him all ran and ſubmitted their differences to his Arbitration, his advice they took, and his direction they followed on all occaſions either of difficulty or danger; and theſe were called the Wiſe Men, *and theſe were the true and proper Kings.*

Now the Son, who had his Education

under such a vertuous, wise Father, and had been present with him when affairs of the greatest importance had been debated, and by common presumption better capacitated to govern, than any of a stranger Family: The Son, I say, succeeds his Father in this Kingly Government, no man envying him the dignity; nor did these Kings differ from other people in their manner of living, there was no pomp or shew, or any badge of the Authority Royal, but the wooden Scepter which Homer *describes*, (which perhaps was like our Constables Staff) *and with this the Authority was handed down from Father to Son, till in tract of time some young man came in place, who giving ear to some loose companions about him, would no longer be content with the plainness and ordinary fare of his Ancestors, but gives himself over to riot and excess, setting his mind on gorgeous Apparel, on Trains and Trappings, on Feasting and Revels: By these new modes he loses the hearts of his Subjects, draws envy upon him; that Reverence paid to the Scepter in the hands of his Progenitors, now turns into contempt, and he still running headlong*

after

after his vain pleasures and flanting pernicious courses, not heeding the duty of his place, grows a burthen to the people; and instead of being their refuge, their relief and support, rides and galls their necks, and makes their lives bitter: So that how to throw off the yoak is now their only care; and matters being thus ripe, or the young Prince with his Comerades hastening on his fate by some outrage or rape upon Wife or Daughter of some considerable Subject, some of the most eminent amongst the people conspire together and put an end to his Life and Tyranny.

And all eyes being now turn'd upon these as their deliverers, the Government and Conduct of all Affairs is committed to their charge and direction. Thus rises an Aristocracy, and thus we see Monarchy first corrupted into Tyranny, and the next change from thence in course of Nature is to an Aristocracy.

And these men eminent for wisdom and vertue satisfied with the honour of the charge and trust reposed in them, above all things studied to serve the publick; but afterwards their Sons coming to succeed, who had not

that ſtock of diſcretion and ſobriety; but degenerating or forgetting the vertue that preferred their Anceſtors, begin to Lord it over the people without other regard than of their particular luſt. And thus the Ariſtocracy being corrupted into an Oligarchy, the people are provoked by a general inſurrection to reſcue the Soveraignty out of their hands.

And now the people will neither truſt ſo great a charge with a ſingle Perſon, nor with any few, they come to their laſt only and yet untainted hope founded upon themſelves, and contriv'd a form of popular Commonwealth, and they themſelues took the publick affairs under their charge and protection; and thus was conſtituted a Democracy.

And becauſe all Governments are good and ſucceſsful at the beginning, ſo long as the men were alive, who had felt the oppreſſion and tyranny under the two former kinds of Governments, they were content and glad with their preſent condition, and liberty ſeem'd ſweet and precious to 'em above all treaſure. But this Generation being ſpent and their vertue with 'em, a new People ſucceeded, and the Laws are now trampled under

under foot: Licentiouſneſs, Faction, and Diſorder turn all things upſide down, and they claſh together ſo long till ſome one overtopping the reſt, all are brought under the Command of one Maſter; and ſo about again from Monarchy to Tyranny, from Tyranny to Ariſtocracy, from Ariſtocracy to Oligarchy, from Oligarchy to Democracy, from Democracy to the Rule of the Rabble, and thence back to Monarchy. This is the round that all Governments run, this is the courſe, the order, and œconomy of Nature; ſo that any turns or change of Government may eaſily be foreſeen.

Wiſe Stateſmen obſerving theſe changes and corruptions in all ſimple Common-wealths to be ſo conſtant and certain, and finding the miſchiefs that attend ſo frequent revolutions; they ſet their brains at work to contrive ſome model of Government that might be ſteddy and durable, which they ſaw could not be any ſimple and uniform Common-wealth: It remain'd therefore that they mixed the vertues and good properties of the three good Common-wealths, and ſo temper'd them together that no room might be left for thoſe vices, that, like worms, breed

in the very core of all ſimple Common-wealths and deſtroy them.

They joyn'd the three States of Monarchy, Ariſtocracy, and Democracy, and wrought them together into one Body Politick.

This model of Government had the Spartans from the prudence of Lycurgus, *and the Romans were brought to it, made wiſe by dear-bought Experience:* And this is the Government that all civil Nations have affected, and from hence grows that notion of the *three States*, which we hear ſo much of in moſt Nations of *Europe*, though the meaning thereof is not every where underſtood.

This is the Doctrine of *Polybius*, and this was the general ſenſe of mankind, till *Bodin* comes forth with his new *Hereſie* in Politicks, and denies that there can be any ſuch thing as a *mixt* Common-wealth. To prove this, he rambles into a many ſtories to ſhew that a King cannot *alien* or *divide* his Soveraignty amongſt his Favourites: 'Tis queſtionleſs a truſt that cannot be aſſigned over, but all this relates to another point, and touches not the

the *mixture* in the Original and fundamental conſtitution of a Commonwealth, *Et ut Corona, ſi in partes diſtracta, aut aperta fuerit, nomen omittit*; *As the Crown would loſe its name*, he ſays, *if pull'd in pieces*. This is common to many other things, a Roſe, a Prickle, if pull'd in pieces, would loſe their name; and this being no particular flower of the Crown, does not illuſtrate or make much to the buſineſs. In another place he ſays, *Monarchiam autem individuam eſſe oportere diximus, quia ſi dividatur, Monarchia non ſit; ea eſt enim unitatis inviolabilis natura, ut omnem omnino refugiat partitionem; ut enim Corona —— Monarchy muſt be indiviſible, ſuch is the nature of Unity that it cannot be by any means diſtributed; as the Crown* —— which Compariſon he again repeats. But his Argument is no better, than with us, ſhould we from the nature of the number *five* perſwade, there cannot be ſeven or eight *Cinque Ports*; or in *France* argue, that the Advocates Cap cannot be *ſquare*, becauſe 'tis called *Bonnet round*: Words are a ſort of Cloaths that are not always exact-

ly ſhaped to the Thoughts that wear them. Another Argument he would bring from a Saying in *Ariſtotle* againſt *Plato*, that *two extremes would make no good mixture: Nam ſi nihil optimum ex duobus extremis exiſtere poſſe confiteatur, quid fert tribus inter ſe confuſis?* which is as ſtrongly urged, as ſhould he ſay, if *Dover* and *Calice* cannot come together, how ſhall the Sea make any intercourſe and correſpondence betwixt them?

But becauſe theſe Reaſons ſeem a little too metaphyſical, he would make the matter plain by Examples; and with a ſtrange confidence ſuggeſts that neither the Spartan nor the Roman were mixt Common wealths: And it is no wonder if he find ſome paſſages in Hiſtorians to prove them either Monarchies, Ariſtocracies, or Democracies, as he had a mind. *Plato* ſays, that *he knew not by which of theſe Names to call the Spartan:* And *Ariſtotle* to the ſame effect; and that *this ſhows the mixture to be perfect and acurate:* And *Polybius* ſpeaking of both the Spartan and Roman, tells us, that

that the (a) three States had the Soveraignty ſo equally ſhared amongſt them, that even thoſe who lived under the Government could not well pronounce in the main, whether the power was in the People, in the Nobles, or in the Monarchick State.

(b) Τρία μέρη τὰ κράτη τῆς πολιτείας.

In the Spartan, the Kings, the Senate, and the People, by their Repreſentatives the *Ephori*; in the Roman, the Conſuls, the Senate, and the People, by their Repreſentatives the Tribunes, made the three States of the Common-wealth.

But that we may return to *France*, here *Bodin* ſwaggers, and would make it Capital to account that of *France* a *mixt Monarchy* as ſome had done; who reckon'd the *Ariſtocracy* to conſiſt in the *Peers*, and the *Democracy* in that they call the *Third State*. *Machiavel* believ'd it a *mixt* Monarchy, and to that temper imputes all its greatneſs and duration. *Seiſſel* who writ expreſly on the Monarchy, affirms the ſame thing with many more that writ both before and ſince *Bodin*.

He ſays there is not the leaſt ſhadow of

of an *Ariſtocracy* in the *Peers*, ——*Parium qui ſic appellantur, quod inter ſe quidem pares ſunt, non autem principi, ut nimis ruſtice nonnulli opinantur. They are one anothers Peers*, he ſays, *and not Peers to their Prince as ſome too clowniſhly imagine.*

Cæſar called the Army under his Command, *Commilitones* or *Fellow-Soldiers*, and it would have been a little blunt in them to have called him Fellow-Soldier again; but whoever ſhall look back in Hiſtory to the Original of theſe *Peers*, may find that they were in the beginning the *Kings Peers*, though at this day the diſtance is very plain. *Du Huillant* ſpeaking of *Hugh Capet*, tells us, that he —— n'eſtant ſi grand guerrier que bien entendu aux affaires, caut et adviſé, il y voluit proceder par cautelles & douceurs, ſi qu'ayant affaire à grand ſeigneurs, manda tous les gouuerneurs des Provinces de ſon royaume à ce qu'ils vinſſent vers lui, pour le conſciller au gouuernement, regime & adminiſtration de ſon nouueau eſtat, leur faiſant entendre que totalement il vouloit dependre de leur conſcil

conſcil & avis; voire les tenir pres da lui, come ſes amis, freres, & pareils en puiſſance & Autorité;---*not being ſo much a Warrier as a wiſe and wary Perſon, he would proceed ſoft and fair, ſo that having to do with great Lords, he ſent to all Governors of Provinces within his Kingdom, that they might come to him to adviſe about the Government, and Adminiſtration of his new State; letting them to underſtand that he would wholly depend on their Counſel and Advice; and keep them about his Perſon as his Friends, Brothers, and Equals in Power and Authority.* He tells us further, *that ſome of the cunningeſt amongſt them, ſeeing* Hugh, *from a Mayer of the Palace to be made King, did the ſame; and ſet up for themſelves within their Governments, making themſelves Lords, Dukes, and Counts Proprietors; whereas afore they had been only Governors,* viz. *The Dukes Governors of Provinces, and the Counts Governors of Towns, and thoſe Titles of Dukes and Counts that formerly were given to the Governors for the time only, became now Hereditary and deſcended to Poſterity.* *Paſquiere* gives the ſame account

account of the *Peers* at large, and the Preſident *Fauchet* employed by *Henry* the Third to reviſe the Antiquities of *France*, and who writ ſince *Bodin*, tells us: Mais les urays fondateurs de l'eſtat Froncais, ont eſte ceux de la maiſon de capet; leſquels de leur gré, ou contraincts par la nobleſſe, de laiſſer en heritage, & ſauf l'hommage, les duchez & comtez auparavant tenus à vie (car on ne trouue point certainement quand & pourquoy ils ſe ſont faites hereditaires) amoindrirent ceſte debordeé puiſſance des anciens Roys, de faire toutes choſes a leur appetit, & comme ceux de Lacedemon receurent les Ephores, pour controlleurs de leur authorité, ceux-cy eſtablirent & aſſeurerent les plus grands ſeigneurs Ducs, Comtes & Pairs de la cour de France, pour tenir le grand Parlement, audience & generalle Juſtice de toutes les doleances du peuple; & les Jugements des Seneſchauz & Baillifz, & juges inferieurs donnes en grandes cauſes, car du commencement de ceſte derniere famille, il n'y avoit comte, voire ſigneur chaſtellain dependant nüement du Roy, qui

ne

ne penſaſt avoir autant de puiſſance en ſa terre, que ces nouueaux Roys.

But the true Founders of the French State, were theſe of the Houſe of Capet; *who of their own accord, or compell'd by the Nobility, left them their Dutchies and Counties formerly held for life only in inheritance ſaving the homage, (for it is not certainly known when or wherefore they were made hereditary) and leſſened that unbridled power of the ancient Kings to do all things according to their appetite, and as thoſe of* Sparta *took the* Ephori *for Controllers of their Authority, theſe ſettled and ſecured the greateſt Lords, Dukes, Counts, and Peers of the Court of* France, *to hold the great Parliament, Audience, and general Juſtice of all the grievances of the People; and appeals from the Judgments of the Seneſchals, Baylies, and inferior Judges given in great cauſes: For at the beginning when this Family Reign'd, there was never a Count, nor ſo much as a Lord of a Caſtle depending barely on the King, who thought not that he had as abſolute power within his own Land, as theſe new Kings.* To confirm this he adds, how the Kings

Hugh

Hugh and *Robert*, writing to *Audebert*, Count of *Perigueux*, to raiſe the Siege before *Tours*, and twitting him with the Demand, *who made him Count* ? Il ne fit difficulté de reſpondre, ce n'eſt vous Roys ; ains ceux qui vous ont fait Roys. *He did not ſtick to anſwer, 'twas not you Kings, but thoſe who made you Kings.*

And whoever conſiders the circumſtances of *Hugh Capet*'s coming to the Crown, and the great power the *Peers* exerciſed till upon the occaſion of the Holy War and other practiſes they were reduc'd and brought to the Crown, may well conclude : That (*a*) de toute ancienneté en forme d'Ariſtocratie conjoynte avec la Monarchie, furent introduits les douze Poirs, ſur leſquels nos Roys ne s'eſtans reſervez que la Souueraineté & hommage, ſemble que par leur conſeil (comme d'un ancien Senate) ſe menaſſent les affaires. *From all Antiquity were introduced in the form of an Ariſtocracy joyn'd to the Monarchy, the twelve Peers, over whom the King reſerving only his Soveraignty and Homage, the affairs of State ſeem (as by an ancient Senate)*

(c) *Paſquiere.*

nate) managed by their advice.

And when ſcarce the ſhadow of the ancient Peerage remain'd to them, they retain'd the *Precedence*, and had place before all *Princes* of the *Blood*, till the late Ordinance, *Anno* 1576. to the contrary.

And 'tis (*d*) ſaid there was an Order of Parliament alſo *anno* 1295. whereby it was declared that they were called *Peers* for being one anothers *Peers*, and not the Kings *Equals*.

(d) *Baracaut.*

What *Bodin* would conclude from thoſe forms, *quia ſic nobis placuit*, and *Rex vobis dicit*, may be anſwered in the words of Dr. *Baracaue*, where (in another occaſion) he ſays, this is not like the *ſic volo, ſic jubeo*, noted by the Satyriſt. Qu'importe-t il de dire, ainſi nous Plaiſt, & tel eſt noſtre plaiſir, ou dire & pour cauſe, ſans exprimer la cauſe? Les Cours des Parlemens diſent en leurs arreſts,& pour cauſe ſans en rendre la cauſe pour monſtrer la Soveranieté.

What more is it, ſays he, *to ſay we are ſo pleaſed, and ſuch is our pleaſure; than*

to

to ſay, And for a Cauſe, without expreſſing the Cauſe? The Courts of Parliament ſay in their Orders, and for a Cauſe, without rendring any cauſe; to ſhew the Soveraignty. The Parliament, it ſeems, have their *forms* too to ſhew their Soveraignty, nor is the Argument of *Bodin* from the *form* of directing their Letters, of more force: How ſhould they write but, *Au Roy noſtre ſouuerain ſeigneur, Regi Domino noſtro ſupremo?* Is not this the ordinary civility of *Europe*? 'Tis true that when (e) a Poet had called *Auguſtus Cæſar, Dominus*; he ſet out a Proclamation that none might preſume to call him any more by ſo proud a Title, nor could the modeſty of his Succeſſor *Tiberius* bear it.

(e) *Suetonius.*

Yet as their Majeſty and real Greatneſs declin'd, as the Empire began to ſink, the froth and flattery came above; ſo that it was lawful to call *Domitian* both *Lord* and *God*; and his Succeſſors were not ſatisfied till complemented in the abſtract with your *Everlaſtingneſs*, your *Eternity*, your *Divinity*, *&c.* And when the wooden Eagle was ſplit in two, that

that Chip of the Eaſtern Empire brake but into bloſſoms to a miracle, with the *Porphyrogenitos* and *Deſpots*, were blown about the *Sebaſtocrators*, *Panhyperſebaſti*, *Protonobiliſſimypertati*, *&c.*

But amongſt the Romans, theſe Titles ſo fierce and glorious after they had been worn a while at Court, deſcended to the City and Country; and even came ſo low, that *Martial* could ſay of the mighty *Dominus*,

Quod voco te dominum, noli tibi Cinna *placere,*
Sæpe etiam ſervum ſic reſaluto meum.

The French words, *Sire*, *Seigneur* and *Sieur* have ran the ſame fortune; and the calling a man *Sir*, or *Monſieur*, or *Monſeigneur*, or *My Lord* twenty times, will not amount to a Recognizance of any Subjection: nor can the Complement paſs any Domination or *Deſpotick* Right over us.

If *Seigneur* and *Dominus* will not do, the word *Souverain* will not help them; being commonly uſed in *France* for any *Superior*: as, *Soveraign* of the *Accounts*;

Soveraign of the *Treaſure*, *Soveraign* of the *Foreſts*, *Soveraign Judge*, *Soveraign Bailiff*, *&c.*

And now having ſaid ſo much concerning the direction of theſe Letters, I ſhall add nothing in anſwer to *Bodin*, touching the Subſcription: all agreeing, that where the Letter begins with *Seigneur*, of courſe, it muſt end with *Treſhumble* and *Treſobeiſſant Serviteur.*

And that their proceedings with the King are by way of Petition, is no more than is done even in *Poland:* where *Bodin* makes the Government an Ariſtocracy.

It is a Rule, *Quæ ex adulatione, vel indulgentiâ conceduntur non debent trahi in exemplum.* Beſides, of all people, this is the worſt Argument with the French; who are ſo well known to affect ſoft words, and gentle forms on all occaſions poſſible. It is not their faſhion, like the Juſtice of *Aragon*, to accoſt their King with a Nos qui valemos tanto como vos, y podemos mas que vos, vos elegimos rei con eſtas é y eſtas condiciones, entra vos y nos un que manda mas

que

que vos, i. e. *We who are as good men as you, and can do more than you, chuſe you King on ſuch and ſuch conditions; there is one betwixt us and you, who commands more than you.*

The power of this Parliament, in allowing or refuſing the Acts of the King, is the ſame in effect as what we call the *Negative Voice.* And ſometimes, when the Kings would hardly be denied, the Parliament have much valued themſelves for their reſolution in oppoſing them. Thus they overcame *Lewis* the Eleventh, whoſe wilfulneſs and *Opiniâtreté* was particularly noted by Hiſtorians[a] and made him promiſe to importune them no more, nor ſend Letters to them that were not *de Commandement Royal*; which they interpret, *Juſt Commands.* As, *an volunté du Roy*, is meant, *To the Laws.* The moſt memorable inſtance that I have met with, of the Parliament's Authority in this kind, is that in *Henry* the Third's time; when he wrote to the Governor *d'Angoulmois*, to put the Town into *Monſieur*'s hands; the Governor de-

[a] *Paſquier.*

ſires to be excuſed: the Duke *de Montpenſier* is ſent, and the Gates are ſhut againſt him; then is ſent an Herald of Arms, to declare them Rebels and Enemies, unleſs they obeyed. And at the requeſt of the Attorney General, the Parliament orders the Inhabitants to appear in perſon at a day certain; they ſend their Deputies. It was inſiſted upon, that they ſhould be heard before the Privy Council: but they demanded to be heard in Parliament. Where, when they came, it was urged that they might not be allowed Council, but ſpeak for themſelves, being charged with High Treaſon. The Deputies inſiſted that, on the contrary, they had done the King good Service; and that, for their part, they had no Charge to plead otherwiſe than by the mouth of their Advocate. Which being granted, they made choice of *Paſquier*. And the ſum of their Plea was, Que l'ancien ordre de ceſte Monarchie portoit que iamais trefue de telle importance, iamais paix n'avoit eſté executeé, qu'au prealable elle ne fuſt verifieé & emologuee en ceſte cour avecque grande maturite de conſeil que ceſte-

cyne

cyne l'ayant eſté, nous avions juſte occaſion de nous excuſer, & diſpenſer de l'ouverture que l'on demandoit. Ceſte exception eſtoit elle bonne & vallable? Quant a moy ie n'en feray jamais nul doute, voz regiſtres en font foy, l'uſage eſt tel, & la loy generale de la *France.* *i. e. That the ancient courſe of this Monarchy was ſo, that never Truce of this importance, never any Peace was executed, but that, in order thereunto, it was firſt allowed and recorded in this Court, with great maturity of Counſel. That this for the delivering up of* Angouleſme, *not being ſo recorded, we had juſt reaſon to excuſe our ſelves, and to diſpence with the opening of the Gates demanded of us. Is this Exception good and ſufficient? For my part, I ſhall never doubt it. This your Records can teſtifie, this is the Cuſtom and Common Law of* France.

The Authors that write in Latin call their Parliament, *Sacrum & Sacroſanctum ordinem, A Sacred and Divine Conſtitution; Quid tertium & arbitrum, A third Party, and Umpire betwixt Prince and People: Si tribunitiæ poteſtati, aut* Ephoris Lacedemoniis *compares non aberres,*

berres, ſays *Matherel*: *Their Power may be compared to that of the Tribunes, or the* Lacedemonian Ephori. Du Haillan, ſays they, are truly a Roman Senate, ceſt un urai Senate Romain, repreſentant une majeſty ſecourable aux bons, & eſpouuantable aux mauuais attendu qu'elles ont cognoiſſance en derniee reſort, & ſans appel non ſeulement de toutes matieres civiles & criminelles, mais auſſi de toutes lettres royaux; entre antres des graces & remiſſions, pour juger de la civilité ou incivilité d'icelles. *It is a true Roman Senate, repreſenting a Majeſty giving ſuccour to the Good, but terrible to Evil-doers; in as much as they have cognizance, and give Judgment without Appeal; not only in all Civil and Criminal Cauſes, but likewiſe of all the King's Letters: amongſt the reſt, thoſe of Graces and Pardons; to judge whether they be lawful or unlawful. Paſquier*, on this occaſion, tells us, *Their Parliament is not like the Pope's Officers, to judge of the Fraud or Surpriſes only, but to determine whether the King's Grants be juſt and reaſonable, or no.* and *du Hallan* affirms, Ceſte forme

forme de proceder eſt ſi ancienne en ce Royaume, qu' un Prince, quelque depravé que il ſoit, auroit honté de la rompre, comme euſſi ſes ſuiets & ſerviteurs craindroient a le lui conſeiller. *This form of proceeding is ſo ancient, that any Prince, however depraved, would be aſhamed to break it; nor would any of his Servants or Miniſters dare to adviſe him thereto.* And in another place, Sont tellement inveterees, que pas un roi n'entreprend d'y deroger, & quand il le voudroit faire, on n'obeiroit point á ſon commandement. *A practice ſo ſettled that no King would undertake to derogate from it: nor if he ſhould, would any obey his Commands.* But Quotations of this kind are endleſs.

The French reckon ſeveral Particulars wherein their King's Power is reſtrained; as that, *He cannot alter their Coin. He cannot turn out of place the Magiſtrates of the Kingdom, till their Cauſe be heard and approved in Parliament.*

He cannot pardon a Criminal without the Parliament. Regi capitalis pœnæ remittendæ, & abolendi criminis ſine parla-

menti auctoritate jus non ſit, in hoc regno. Criminoſus deferens litteras remiſſionis aut abolitionis, ſiue pardonii debet incarcerari, & ſuas literas offerre Parlamento, &c. Boerius deciſ. Burdegal. 65. Dont en y a ſouuent de condamnez & executez avec leurs graces. *Le Roy, p.* 376.

He cannot alien any part of his Demean, nor any part of his Kingdom.

Nor can he diſpoſe of the Succeſſion; that not being Patrimonial or Hereditary. *Sed ſola lege & conſuetudine regni*, as their Lawyers ſpeak. Or *Lege Regiâ*, according to the new Cant in *Bodin.*

Another of theſe they call Laws of the Kingdom, or Fundamentals, is their *Salick Law*, for excluding Females from the Crown.

And farther, to prove the French King a Civil King, he is not in his Great Seals repreſented as the Emperors and other Kings, in Armour, on Horſeback, or with a naked Sword in hand, like Conquerors; but he is pictured, ſitting on the Bench in a long Robe, with Juſtice in his Right Hand. *En habit de Roi Juſticier.*

In like manner, for the Soveraignty of the Parliament, we may obſerve, that when all other Officers, upon the death of their King, are in mourning Weeds, theſe, in the midſt of the Obſequies, appear in their Robes of Scarlet; to ſhew, that though the Kings be mortal, yet the *Majeſty* of the Crown ſurvives in the Parliament.

And from hence, perhaps, may be drawn the true reaſon of that ſaying in *France*, that their King is *Immortal*, and that he *never dies*. There being little ground for the ſenſe that *Bodin* would give it from the Succeſſion; ſeeing that beſides the many interruptions by Baſtards that have reigned, and thoſe greater Changes from the *Merovingians*, to the *Charlians*; and from the *Charlians*, to *Hugh Capet*'s Line; their Kings, till of late, never computed the beginning of their Reign from their Predeceſſors Deceaſe, but only from the time of their own Coronation. So that in *Bodin*'s ſenſe, it has not been from any very ancient date that their Kings have been immortal.

May be, in imitation of the *Veſtra Eternitas* of the Roman Emperors, ſome more baſhful French-man having ventured to call their King *immortal*; other French-men, not underſtanding this cramp word, got it interpreted. And that the King never dies was a pretty ſong amongſt them. But in what ſenſe this could be, all were in the dark; till at length, a cunning man aroſe, and made it out moſt plainly: as *Bodin* has done.

By what has been ſaid, the French Monarchy may ſeem ſufficiently tempered with a *mixture* of the other States. Yet, after all, it cannot be diſſembled, that the *Peers* at this day are not the King's *Fellows* or *Equals*, as at their Original Inſtitution. Nor are theſe (now called) Parliaments the ſame thing with the old Parliaments under the *Merovingians* or *Charlians*; when, (g) *by the Team of Royal Oxen was drawn along in a Waggon his hairy Majeſty, to the place appointed for that Auguſt Aſſembly.* Then were the States called, and conſulted

(g) *Carpento bubus tracto, &c.* Tritenhemius.

ſulted on all great occaſions. Yet theſe were the Victorious; the *Clovis*, the *Charlemain*, the Kings that extended their Dominions over *Spain*, *Italy*, *Dalmatia*, *Sclavonia*, *Hungary*, *Poland*, and brought even *Germany*, with their Title of Emperor, to the French Crown.

But what if thoſe mighty Warriers would not call the States? that, poſſibly, in thoſe days of Honeſty and true policy, was a point no more thought on, than was the Crime of Parricide by the firſt Legiſlators.

In the old Hiſtorians we find there were ſeveral names for this Aſſembly; as, *Conventus Statuum*, *Curia*, *Placitum*, *parlamentum*.

The many wars occaſioned many *Parleys*, or Meetings, to treat of Peace. from this *Parley*, or *Parlement*, as the French word it, theſe Aſſemblies are called *Parliaments*.

Sometimes they were called *Curia*, or the *Court*: and becauſe thoſe Kings were not ordinarily ſeen by the people, ſave in this *Court*, afterwards the Phraſe of going to *Court* came to ſignifie the going

ing to the King's Palace, or place of Residence.

They were also called *Placitum*, from whence *Hotoman* thinks, when the Kings Edicts came to be writ in the Mother-tongue, the ignorance or malice of some Clerks deduced that ordinary form of *Car tel est nostre plaisir*, for the Latin, *Quia tale est nostrum placitum*.

And those weighty Affairs, and publick business, which were commonly reserved for this *Assembly* of the *States*, to be there treated on and debated, came afterwards, from thence, to be called *Matters of State*; as also, the Phrase of sitting in *State*, and the *Chair of State* from the *Golden Throne* on which the Kings were placed in these Assemblies.

But when *Hugh Capet* ascended the Throne, new measures and new Policies came in play. He was no Fighter, nor cared for enlarging of Territories; but had a notable head for King-craft, and sought on the best terms to settle the Crown in his Family. To that end, the Bishop of *Laon*, (who had betrayed into his hands the King and Royal Family, fled

fled thither for ſhelter) and the other Biſhops and great Lords, that had done, or might do him good Offices, were taken in to be his Peers, and ſhare with him in the Adminiſtration of the Government.

Now, by this new Model, the Ariſtocracy, or *Nobles*, gain'd very much. Yet a great blow was given by this innovation to the *Democratical* or *Popular State*. For theſe *Peers*, beſides their particular intereſt in the Nation, were in appearance a competent Council for the management of all the extraordinary buſineſs and *Affairs* of *State*, whereby the Parliament was not ſo neceſſary as formerly. And *Capet* finding in the people a hanckering ſtill for the old Race of *Charlemane*, was well content to be diſpenced withal from calling that Aſſembly; ſave that for ſecuring the Succeſſion, he was fain to keep them in humour, till that he had prevailed with them in his life time to Crown his Son *Robert* King.

The ſame jealouſie cauſed *Robert* in his life time, to do the like for his Son,

Henry

Henry the firſt. And *Henry* alſo, for his Son *Philip* the firſt. And now one might have thought the Succeſſion fixed. Yet *Philip* dying without having made the ſame Proviſion for his Son *Lewis* the *Groſs*, *Lewis* was put to his ſhifts to get crowned: and was fain to take up with a kind of an unuſual Biſhop, to do the job for him in hugger mugger.

Whereupon, he grown wiſe, durſt not truſt the States for his Son *Lewis* the *Young*; but put him in poſſeſſion of the Throne e'er he left the World. And this *Lewis* did as much for his Son *Philip* the Second. Till now, after ſome hundreds of Years diſcontinuance, all *Election-right* was pretty well forgotten. This however, ſet the Court a fencing againſt the States; and the Court thought it ſelf better at eaſe without them.

Nor was this concerning the Succeſſion the only Tye upon the Kings to continue a good underſtanding with the States, but the Peers were often at variance with the King, and put him hard to it. And for theſe diſtempers in the Kingdom no remedy was found effectual but an healing Par-

Parliament. Theſe were the Umpire betwixt King and Peers; and generally decided in favour of the Crown.

By which partial Arbitrements, and by the advantages made of the Holy War, when the Peers Adventurers died in the Expedition; ſome without Heirs, ſome without other than Females, or Males under Age. So that the *Pairyes* by Eſcheat, by the *Salick* Law, or by the way of Guardianſhip, came to the Crown.

By which means, the Power of the Peers being at an end, and the Equality broken, there remained no farther occaſion for Arbitrations, and the ſacred Authority of Parliament quite vaniſhed.

So that now, without much danger, the Experiments might be improved, and new projects of Government ſet on foot. Accordingly, the old Parliament is to be laid aſide; and in their room, a ſelect knot of men to have the *States buſineſs* committed to their Truſt and Conduct.

And theſe, for their better countenance, muſt be called a Parliament alſo.

What-

whatever Power and Authority had been exerciſed by the States, is now uſurped by this young Senate; and preſently a new Houſe is built for them, and they are fixed at *Paris*. Where, after a little while, they became ſo overlayed with buſineſs, that one Parliament was not ſufficient; but two were conſtituted for the better Expedition.

And indeed, having opened the door for all Civil Cauſes to come before them, it was neceſſary to draw out from theſe Parliaments a Detachment for State-Affairs: and theſe had the name of the *Cloſe*, *Privy*, or *Great Council*. Whereby this Parliament in a little time degenerated to a mere Court of Judicature; as afterwards that Privy Council, by permitting Cauſes to be heard before them, gave occaſion for the buſineſs of State to be removed to a particular Cabal.

But this Parliament I ſay, being a new Creature, was toſſed, and turned into a thouſand ſeveral Shapes and Figures, e'er it came to any durable Conſiſtence. One while it was to ſit half-

half yearly, another while without diſcontinuance; then half of it the one half year, and the other half Parliament the other half year; to the end, that what the King's Miniſters could not get to paſs with the one, might be carried in the other: thus rendring the Authority of the Court (*h*) *A Demy-illuſoire*, in a manner Illuſory,

(h) *Paſquiers Reſ.*

But upon the Pope's coming to ſettle his Court at *Avignon*, theſe innovations and abuſes fell in like a torrent, both upon church and State.

Not long before, the Kings, as St. *Lewis*, under a ſhady Tree, in perſon, heard all appeals, and determined the Cauſes of their Subjects, and were themſelves the *Chief Juſtices*.

Now the Canoniſts ſo infected the Nation with their tricks and ſubterfuges, their Quillets and Chicanery, and ſet ſuch an itch of wrangling and vexatiouſneſs amongſt them, that Courts could not be erected faſt enough for them; and in a ſhort time, a third part of the people, one way or other, got thereby an Employment.

A few years before, this King, *Philip* the *Fair*, had been excommunicated, his Subjects freed from their Obedience, and his Kingdom given away to the Emperor, by *Boniface*. Yet now *Clement* the fifth and he ſo well agreed, upon his coming to *Avignon*, that, as my Author ſays, *Fraterniſans en conſeils*, collogueing together, they not only made good booty of the *Templars*, deſtroying them by conſent, for no greater quarrel, as ſuppoſed, than their Riches. But the Pope gave leave to the King to levy a tenth upon all the Clergy; and the King, in exchange, was to connive at the Pope's *Apoſtolick Indults*, *Graces Expectatives*, *Tenths*, *Firſt Fruits*, *Procurations*, *Mandates*, *monitorials*, *Executorials* and *Laudable Cuſtoms*.

Theſe inventions and wit of the Miniſters at *Avignon* raiſed an Emulation in thoſe at *Paris*, and they wondered to find in words ſo ſtrong a Charm, that the Pope thereby could work ſuch wonders, and ride over all the Fences of Reaſon, Law and Cuſtom; and that for theſe ſtrange feats, the *de proprio motu*, and *Autho-*

Authoritate abſolutâ were all-ſufficient.

Whereupon the Courtiers at *Paris* will alſo arm the King's Letters with theſe new Spells, and ſend them out upon adventures. But however *Canonical* and currant they had proved with the *Church-men*, to the *Lay-people*, this *de Proprio motu*, and *Authoritate abſolutâ*, were uncouth Phraſe, and *Barbarous Latin*, which they could no where meet with in *Claſſical* Authors, nor underſtand.

Wherefore, when about theſe times, upon occaſions for mony, the *Layety* were tried with *Impoſitions* and Tallages, the *hundredth penny*, and the *fiftieth penny*; then with *Fortification money*, *Equivalents* and *Loans*; then with yet the more wheadling terms of *Aids*, *Subſidies* and *Subventions*, ſo it happened, that, let the *Impoſers* call them what they would, the people had one name for them all; and crying out a *Maletoult*, knock'd the Collectors on the head, with as little ſcruple as ordinary Robbers.

All the great Wars of former days, under the *Merovingians* and *Charlians*, and for a long time under the *Capets*, had

been maintained at the King's proper Charges: ſo frugal had been their way of living, and the Demean of the Crown ſo large.

But now was no ſubſiſting without Levies upon the people; and theſe were ſtubborn and unwilling to be impoſed upon, when no Law or Cuſtom could be ſhewn to oblige them.

This plunge raiſed again from the dead the old-faſhioned *Parliament*. And in one of their firſt Aſſemblies, it was by all declared, that no Impoſition could be laid upon the people without their conſent. Wherefore it being their part, they took care to relieve the neceſſities of the Crown. And on this account there was occaſion to aſſemble them ſeveral times.

But theſe were not now to be called the *Parliament*, but the Aſſembly of the *States*; nor yet to meddle with *State-Affairs*; thoſe weighty matters being now *Parliament-buſineſs*: and there is another Parliament in *Ordinary* for that purpoſe.

So it is not intended theſe ſhould trouble

trouble their heads, unleſs asked, with other conſiderations; than only in order to the laying ſome Tax on the people. Yet the old *Anceſtrel Vertue* would now and then be boyling up in the breaſts of theſe *States*; and they be fancying themſelves as full of Power and Soveraign Authority as the old Aſſemblies ſo famed in Hiſtory. But the *Doleances*, the Grievances were not to be inſiſted on, when once the Mony-Affair was adjuſted: ſo they were ſtill ſent home, till need for another Tax. But, what was yet more grievous, proviſion was made that the Impoſts ſhould be at an end after a certain time: but when the Collector's hand was once in, they gathered on, in ſo much that what was deſigned for *Temporary*, became *Perpetual*.

To prevent which miſchief, the States, in the Reign of *Charles* the Fifth, now abundantly wiſe, granting a Tax, ordained that none of the King's Officers ſhould finger the mony: and the King was ſworn ſolemnly, that he would not cauſe any of it to be employed to other uſes than the War it was given for.

The *Commiſſioners*, *Aſſeſſors*, *Collectors*, *Receivers* were all *choſen* by the *States*, and ſworn upon the holy Evangeliſts, not to convert it to other ways, any Command from the King notwithſtanding. And if any Officer from the King ſhould attempt to force them, then they to call the *Poſſe* of their Neighbours to help them to make reſiſtance. Yet I find not that all this ſwearing and caution ſtood them much in ſtead, the Tax was continued, and the *Commiſſioners*, that from their being choſen by the people, were called *Eſleus*, retain the name of *Eſleus* to this day.

Unleſs upon theſe occaſions for mony, the Court at *Paris* ſhewed leſs and leſs diſpoſed to convene this Aſſembly; having poſſibly learnt that ſort of policy alſo from *Avignon*: where nothing began to ſound ſo harſh to their ears, as the talk of calling a *General Council*.

However, that their Authority on the account of State Affairs might not grow quite obſolete and forgotten, upon ſome great Exigencies, when it could not well be avoided, they have been ſummoned,

and

and have exerciſed their old Soveraignty, even in theſe days.

As when under *Philip* the *Fair*, and *Charles* the Sixth, they condemned and caſt off the two Popes; *Boniface* the Eighth, and *Benedict* the Thirteenth. And when they decided betwixt *Edward* the Third of *England*, and *Philip Valois*, to whether of them belonged the Right of Succeſſion to the Crown of *France*, when they topt upon us with their *Salick Law*. And when King *John* of *France* was taken Priſoner, and carried into *England*. When *Francis* the Firſt would have alien'd part of his Dominions, *&c.*

Lewis the Eleventh was ſo averſe from calling this Aſſembly, he would not be perſwaded to it, till a Civil War (which was called, *The War for the Publick Good*) obliged him. And (*i*) *Comines* tells us, that ſome Courtiers would have made it High Treaſon to mention the Calling of them. But *Comines* was not of their humour; he, againſt the Vogue of his Fellow Courtiers declared, that

(i) *Hiſt. l.* 5. *ca.* 18.

no Prince could take a Farthing from any Subject without their consent: and that *England*, by reason of the frequent Parliaments, was the best governed Nation in the World.

In short, The *Gauls*, as *Cæsar*'s Commentaries teach us, had their *Totius Galliæ Concilium*; which, after the *Panionion* and *Panætolion* of the Greeks, *Budæus* would have called *Pancelticon*, as from them; *Camden* that of the English, *Pananglicon*.

Whether the French coming to settle amongst the Gauls, to render themselves more easie to them, chose to govern them in their own way; or that they also brought along with them from *Germany* this Model, it appears not. This is certain, the Kings of the two former Lines did, *bonâ fide*, govern with the advice and direction of that great Council in all things.

Hugh Capet by his Constitution of the *Peers*, made the Authority of that ancient Assembly in a manner useless, unless by accident, that it served to balance, and be the Umpire betwixt the Kings

and

and their *Peers*. But then the *Peers* coming to be reduced, the Court of *Rome* at *Avignon* taught the Courtiers at *Paris* new Forms and new Politicks: And General Councils being run down, and made out of faſhion in the Church, the State muſt ſympathize with it; and after ſome mouldings, and ſome little addreſs, is brought alſo to walk on the ſame High Ropes, without that counterpoiſe which was wont to preſerve it ſteddy and ſecure. The old name of Parliament remains, but no longer to be reputed fundamental and eſſential to the Commonwealth; only a prudent Conſtitution. And it was now from the wiſdom, or elſe the *debonnaireté* of ſucceeding Princes, that they always ſubmitted their Wills and Edicts to be examined, and approved or rejected by that Aſſembly.

And now our Writers of the times are for maintaining that the Government was never otherwiſe, but the King's Power always abſolute and unlimited. Which need be no wonder, ſince the ſame Gentlemen affirm the *Merovingi-*

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ans, *Charlians* and *Capets*, to be all but Branches from the ſame Stock, againſt the concurrent Authority of ſo many hundred Years; and when in truth *Capet* was not ſo much as of French Extraction, but deſcended from *Witichind* the Saxon.

But it was not conceivable how two Abſolute Powers, as that of the Church and State could agree together in the ſame place; therefore a check was found for that of the Pope: for upon any claſhing of Intereſts, the Parliament and the Univerſity did always manfully oppoſe the Pope's Encroachments, and aſſert the Liberties of the *Gallicane* Church. In ſo much that *Paſquier* on this occaſion reſembles the *Sorbon* to the Tribunes of old *Rome*.

And yet ſo long as the temporal Prince ſhould aſſume an abſolute Power, the Papal intereſt would be certain to prevail in the end. A mixt Monarchy is a Balance to it ſelf, and needs no Foreign Authority to interpoſe: but under an unlimited Power, where the Prince is accountable to none but God, whither

ſhould

ſhould the diſcontented fly? whither ſhould the oppreſſed reſort, but to God's Agents and Plenipotentiaries; to God's Vicar, the Pope his Apoſtolick Majeſty, for Redreſs? He can curſe and throw about his Thunder, and free the Subjects from their Obedience, *&c.*

And in this the Pope has the better end of the ſtaff; for by ſetting the temporal Princes above all the ties of Humane Policy, and Civil Prudence, he not only withdraws their Subjects from them, but even makes their temporal Soveraignty truckle to his Spiritual: for the Soul and Eternity are of more conſequence and value than any man's mortal body. And whenever a Conteſt happens, the Spirituals are ſure to have the upper hand.

When the Jeſuits came in with their *Cæca obedientia*, that other *barbarous* Phraſe to enſlave the World withal; they intended their Doctrine for the Pope's ſervice only; for at the ſame time they reproached ſuch of the Roman Religion as ſcrupled to own that the Pope had power to give away the Kingdom of

France,

France, or any other Kingdom at pleaſure: and called them all Calviniſts, who could not be thorough paced Jeſuits.

But, to be even with them, and to avoid all ſtrife betwixt the Spiritual Abſolute, and the Temporal Abſolute Power, *Hobs* takes the only true politick Meaſures. He, for quietneſs ſake, thruſts the whole Nation of Spiritual Beings out of the World: and that the Soveraignty might be indiviſible indeed, he allows not ſo much as *Diviſum imperium cum* Jove —— no, not that *Jove* himſelf ſhould rival his *Leviathan*.

He founds his Politicks upon his Phiſicks; therefore, in the firſt place, we are to believe that there is nothing in the Univerſe but *meer Body*; neither are we to think, to reaſon or to fancy ought of a future State, of Souls to be ſaved, nor to have the fear of God before our eyes; for then (as he calls it) we ſhall be *frighted with Spirits into Rebellion*.

And that we may not be inclined to theſe vain imaginations, he fairly preſcribes, that the people may not be ſuffered

fered to read (he names not *Calvin* and *Beza*, but) *Ariſtotle*, *Plato*, *Seneca*, *Cicero*; nor the Greek and Latin Hiſtories; nay, all Greek and Latin are peſtilent and dangerons: and thus the Univerſities are the *very Core of Rebellion.*

Nor is this any Paradox, or ſally of his particular wit; 'tis what *Machiavil*, and before them *Ariſtotle* had taught us, that to preſerve an Abſolute Power, all publick Schools muſt of neceſſity be put down. Thus we ſee how much the Papal Tyranny is ſupported by their Inquiſition. Thus in *Turky* are Letters diſcountenanced. And in *Moſcovy* it ſuffices, that God and the great Duke have all the knowledge to themſelves.

And it is not enough that the people be no wiſer, but they muſt not be permitted to be ſo good-natured as Cattel that Herd together. Their Morals muſt be corrupted, and their courſe of Honeſty and fair dealing muſt be broken, leſt it might produce a mutual truſt and correſpondence amongſt them; which in the end would be pernicious to the Commonwealth.

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'Tis agreed also, that Courage is not a vertue for Subjects, under this sort of Government; (*k*) *The less they dare, the better it is, both for the Commonwealth, and for themselves.* Thus the Persians were qualified for the better Subjects, when an hundred *Freeholders* of *Greece* were wont to beat ten thousand of them.

(k) *Hobs.*

Plato had the notion of making a Government happy by a King-Philosopher; and *Hobs* certainly (for these parts of *Europe*) pursues an *Idea* as unpracticable: endeavouring to make the Subjects all Asses.

Some, for want of better Topicks, draw an Argument from Antiquity, that Monarchs were absolute before they were limited. But the same reason will hold likewise against all Laws; for in those days that Kings were without Limits, the Subjects were without Laws, till Experience and Evil Manners taught the World by Civil Prudence and Art, to preserve nature in its primitive perfection and integrity.

Some would set Monarchs above all humane

humane caution and policy, by vertue of ſome Expreſſions in old Poets: as in *Callimachus*, that *Kings are from* Jupiter; ἐκ Διὸς βασιλῆες. Which may be anſwered by that of *Aratus*, cited by St. *Paul*, τοῦ καὶ γένος ἐσμεν. *We alſo are his Off-ſpring.*

Homer tells us that *Jupiter* gave *Agamemnon the Sceptre and the Laws.* But *Homer* may be interpreted by *Homer.* When firſt he had occaſion to mention that Sceptre, he explains the matter thus: ſays he, Vulcan, *as a curious piece of his Workmanſhip, gave this Sceptre to* Jupiter. Jupiter *gave it* (as Kings give a white Staff to a Treaſurer or Chamberlain) *to* Mercury. Mercury *gave it to* Pelops. Then Pelops *left it in ſucceſſion to* Thyeſtes. Thyeſtes *left it to* Atreus; *and* Atreus *left it to* Agamemnon. So we find a thing may be ſaid to be given in ſeveral ſenſes.

For the Laws that accompanied the Sceptre, *Hom.* tells not whether he meant the Legiſlation, or the Execution of the Laws; but *Ariſtotle* may inform us, that when *Agamemnon* aſſumes to himſelf a-

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ny abſolute Power, he ſpeaks as a General in the Field, and not as King of *Lacedæmon.*

Others there be, who having ſtumbled on ſome Metaphor, or Poetical Simile, where God and the King are compared together, think it may as well hold good in Politicks; and never leave ſtraining, till they drive it thorough all the incommunicable Attributes; nor is there any end to their Frenzy. Some of the Emperors have checked their Flatterers with that Verſe in *Homer.*

Οὐτις τοι θεός εἰμι, τι μ' ἀθανάτοισιν ἐΐσκεις;

I am no God, why doſt thou liken me to the Immortal.

But of the two (ſay theſe Antipolititians) an abſolute Monarch is more like to God than a limited.

Which might be true, if Goodneſs did as neceſſarily accompany their Greatneſs. The Heathens, in their Notion of God, placed Goodneſs before Greatneſs, *optimus maximus.* Now the buſineſs

buſineſs of Policy is to *tack* Goodneſs to Power; it gives a Monarch the power to do all the good whereof his nature is capable. But theſe are not content, unleſs he had the power likewiſe of doing evil; which is to be unlike God, and which power cannot be affirmed of God without Blaſphemy. *Lucifer*, and thoſe other unhappy Angels had that power, and ſunk beneath the burthen: Is there more perfection of Nature in an earthly Monarch? or is there ſome promiſe, or propheſie to ſupport him under the weight, that he ſhall not thereby plunge downright into Tyranny, and ſo loſe that bright and Godlike reſemblance, which diſtinguiſhed him from other men? In effect, by making a Monarch unlimited, inſtead of Deifying, they make him a Devil.

For the Texts of Holy Scripture ſo often applied on theſe occaſions, few that are ingenuous can urge them; and few that have ſenſe, but diſcern the Sophiſtry and abuſe. One may there find the *Tribe* of *Judah*, but not a word of the *Merovingians* or *Charlians*. And if there were

ſome temporal Monarchy to be eſtabliſhed from Scripture, the Pope moſt certainly would have it all. It was Chriſt that ſaid, *To me is given all the power in heaven and upon earth.* And who can make out their pretenſions from Chriſt, by ſuch a long Chain of Succeſſion, but the Pope? What though Chriſt ſaid, *My Kingdom is not of this world*; by *is not*, is meant, *is not* yet; that is, *not* till *Conſtantine*'s time: and then comes the Pope into full poſſeſſion of all, both Spiritual and Temporal Dominion. It was not ſaid, *Cum hâc Petrâ*, but *Super hanc Petram.*—— But leaving theſe *hocus-pocus* Arguments to the Jeſuits, it may only be here remembred what long ago *Demoſthenes* obſerved concerning *Philip* of *Macedon*; that, to ſerve a turn, the Roguie Prieſts made, even the Oracles φιλιππίζειν, *to Philippize.*

But indeed, this *Divine Right* may be a *Hercules* amongſt the Jeſuits, when backed with the Inquiſition. And we may allow Monarchs to be Gods, for want of better, in *Hobs*'s State of Ignorance and Atheiſm. As in *Aſia*, *Alexander*

der paſſed well enough for the Son of *Jupiter Hammon.*

The *Politicks* of *France* ſay, that *The French Government has nothing of the Barbarian or Deſpotick in it; but is of that kind which is called Oeconomick, where the King has an Abſolute Power in his State, as a Father has in his Family.* Which Notion is very much in vogue of late; but how they find this Abſolute Power in a Family, is not eaſily to be imagined: take the moſt ſimple Family, as *Heſiod* deſcribes it; a *Man*, and his *Wife*, with the *Oxe*, their faithful Servant; yet it is a ſort of mix'd Government: there is ſenſibly an Ariſtocracy in it; the Wife is the Man's Fellow, his Peer, his Mate, his Conſort, in all Civilized Nations; and ſhares the Government ſo far as capable by her Education: ſometimes has more than her ſhare; and then it is called *Gynæcocracy*, or Woman's Rule. Amongſt the *Barbarians* indeed, as well in *Ariſtotles* time, as now, the Wives were in the nature of Servants, but nothing there is to be called Oeconomy, but all Barbarity.

Beſides, in this caſe, there is ſuch a thing as a Divorce, which may ſet the woman on her own legs again, and ſo the good man be depoſed, if he chance to be impotent, and cannot anſwer the ends of Marriage. And yet Marriage is of *Divine Right*.

Neither needed the Law-makers in all Ages have taken care to encourage young men to Matrimony, if ſuch a goodly Dominion were to be got by it.

Then upon the Account of Children, *Bodin* indeed would not ſtick, even, with old *Saturn*, to eat his Off-ſpring; but in this horrid Doctrine few, I hope, are his followers. *Poteſtas patria debet in pietate, non in atrocitate conſiſtere*, ſay the Civilians.

Moſes compares the Office of a King to that of Parents; not by reaſon of any Abſolute Power, but of the Charge. *(a) Why layeſt thou* (ſays he to God Almighty) *the burden of all this people upon me? have I conceived all this people? have I begotten them?*

(a) *Numb. cap.* 11.

Thus have I anſwered whatever I could

could judge has by any body been materially urged for this African Monſter, this *Demigorgon* of *Abſolute Power*. Which ſeems plainly inconſiſtent with either Nature or Policy, Reaſon or Religion, Civility or Humanity. And it is not without good ground that its Champions deſpair it ever ſhould obtain with us, ſo long as Greek and Latin, and the Claſſick *Authors* paſs free from the Inquiſition: or till ſuch time as the *Great Turk* indeed threatens us from the Neighbour-ſhoar; or ſome new *Tamberlane*, with an Inundation of Barbariſm overwhelms us.

But to entangle the matter, and make the notion of mixt Monarchy ſeem, as it were, a little abſurd; theſe Aſſertors of *Abſolute Power*, with much ignorance, or much ſophiſtry, ſo contrive to divide the Soveraignty, that each ſhare does in effect imply the whole: whenas there may be found ſeveral ways without any of that pretended difficulty. *Bodin* grants that the Conſtitution may be Monarchical, and the Adminiſtration Ariſtocraticalor Popualr. Which goes very

far towards the overthrowing of all his Syſteme; and, certainly, is a contradiction of what he ſo laboured to maintain: for this was always accounted a dividing of the Soveraignty.

Thus in the Roman Commonwealth, the *Power* was in the People, and the *Execution* in the Conſuls (which Office of the Conſuls, *Polybius* calls βασίλιον καὶ μονάρχιον, *Kingly and Monarchical*) add to theſe the *Authority* of the Senate, and then we have the ſeveral Powers of the *Three States* in the Roman Commonwealth; The People *commanded*, the Senate *conſented*, and the Conſuls *executed*.

In like manner, where Monarchy is predominant, after the Modern Style, the People may be ſaid to deſire or petition, the Nobles to conſent, the King to have the Conduct and Command of the Executive Power. Shall not then the Monarch have his Elbows at liberty, but ſit idle till the People and Lords, with their Deſires and Conſents, have concerted matters for him? No ſuch reſtraint follows; all the Laws and Cuſtoms of a Nation are qualified with the deſire of

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the People, and consent of the Nobles' and all the ordinary Power requisite for the good and support of the Government is also implicitely so qualified at the Monarchs discretion, till something in particular appear expresly to the contrary. Upon this Account the French say that, *Mandement Royal, & Volunte du Roy; The King's Commands, and the King's Will,* are not his Personal Will, and his Personal Commands; but those that accord to Justice, and to the Laws: of which (that remnant of the Peers and Popular State) the Parliament are Judges. Therefore his Will & Commands come always before them to be examined, and there to be emologated and approved e'er they take effect.

FINIS.

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A TREATISE OF THE Three States, And their POWER.

DEDUCED

From the moſt Authentick Hiſtories, for above twelve hundred Years, and digeſted.

By *Mat. Zampini de Recanati.* LL. D.

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ADVERTISEMENT

To the

READER.

IN the following Treatiſe our Author ſuppoſes *France* a ſimple Kingdom, though ſo many paſſages cited throughout the Book prove it a mixt Monarchy. This error brings him to another; *The word States*, he ſays, *has two ſignifications; either thereby is meant the King, or elſe the body of the Kingdom, &c.* That it is ſometimes taken in the later ſenſe is not to be queſtioned,

ſtioned. Thus the Husband-men, the Handy-crafts-men, the Gentlemen, the Soldiers, the Lawyers, the Clergy, the Nobles, are all ſeveral *States* or Conditions of Men: ſome reckon more, ſome fewer, every one after his fancy. But more juſtly might be computed thirteen, than *three States*, in this ſignification. And hence it is that Hiſtorians and Writers, leſs acquainted with Politicks, are ſo puzzled, after their manner of reckoning, to reduce the States to that number. As here we find this Author perplext extremely for a reaſon, why the Men of Law and Juſtice (who are accounted a third part of the Nation) are not allowed to make a *Fourth State*.

Therefore, certainly, the firſt branch in the Diviſion is defective; and by the word *States*, in the former ſenſe, where the Government is purely Monarchical, is underſtood the King; where the Government is Ariſtocratical, there, by the word States, are meant the Nobles; where

where a Democracy, there thoſe of the people, in whom the Soveraignty reſides, are the States; that is, the *Soveraign States*. But yet in none of theſe ſimple Commonwealths is this number of *Three States* of ſo great moment or conſideration: Theſe have their *States*, but not their *three States*. It remains then, that the mixt Commonwealth ſhould furniſh us. For there, the Monarchy, the Ariſtocracy, and the Popular State, make neceſſarily and eſſentially the *Three States*; the *States* that ſhare the Soveraignty, the τρία μέρη τα κρατοῦντα τῆς πολιτείας, as *Polybius* calls them, *The three Governing Parts of the Commonwealth*. And in this ſenſe they cannot exceed the number *Three*, for that more ſorts of Governments cannot poſſibly conſiſt together in the ſame mixture and conſtitution.

And as there cannot be a Nation without people, which make it capable of a Democracy; ſo always amongſt the people are ſome more eminent and diſtinguiſhed

ſtinguiſhed from the reſt, capable of the Ariſtocracy : and then to thoſe, the Monarchick State compleats the number. The three States of *France* under the *Merovingians* and *Charlians*, were the King, the Principal Men, and the People. Under *Capet*'s Race they are called the *King*, the *Peers*, and the *third State*. And when in Hiſtories we find Biſhops and Abbots, Dukes and Counts, Doctors and Lawyers, jumbled in amongſt them, ſuch kind of computation is all at random ; and thoſe diſtinctions merely accidental, & no way eſſential to the Conſtitution of the Government. So there were the *Three States* in *France* before Chriſtianity or ought of Prelacy was heard on amongſt them ; neither were the Men of Law ſo numerous & conſiderable, till of late days ; nor could their Acceſſion or Growth affect the Government ſo as to introduce any alteration or innovation in its Frame and Policy. It is therefore with good reaſon that *Claude Seyſſell*, Privy-Counſellor to *Lewis* the Twelfth, an Arch-Biſhop, and of unqueſtioned

queſtioned Authority; in his Book of the French Monarchy, *cap.* 13. tells us, that *The Eccleſiaſticks are by no means to be accounted a ſeveral State, but they are mixt with the other States.*

And, indeed, their Concurrence has not ordinarily been required where the *State-buſineſs* was tranſacted, *an.* 1289. The Door-keepers at Parliament were not to let in any Prelate without the Command of ſome of the Members. *Philip* the *Long* ſhut them out for altogether, with this reaſon, —— *Car le roy fait conſcience de eux empeſcher au Gouvernment de leurs ſpiritualitez.*

Sometimes they might ſit, but had no voice: *Ont ſeance, & non voix deliberative.* For once was the Abbot of *Clugny*, upon a ſpecial occaſion, and once the Arch-Biſhop of *Narbonne* permitted to have *Voix deliberative.* But *as matters ſtand at this day,* ſays my (*a*) Author, all Arch-

(a) *Paſquiere Recherches.*

Arch-Biſhops and Biſhops, *Y ont Seance et non opinion*; ſaving the ſix Peers, the Biſhop of *Paris*, and the Abbot of St. *Denys*.

OF THE STATES OF FRANCE,

And of their Power.

BEING to Treat of the *States* of *France*, and of their Power: and the Word *States* having divers Significations, leſt the doubtful meaning might bring us into the dark, or occaſion ſome miſtake, it may be convenient (according to the Advice of *Ulpian*) in the firſt place, to explain in what ſenſe we are to employ the Word: That afterwards we may proceed with a ſure Foot, to examine, *who* theſe States are? *what* Power they have? *how* they have it, and *from whom* they have it? for *what occaſions* they are to

meet? and *to whom* it appertains to call them together? And gathering the Truth (not from Schools and Precepts of Philoſophers; but from the Reſolutions made by the *States* themſelves, from their firſt Convention, at the Election of *Faramond*, till this, a few years ago (under the great *Francis* the Firſt,) about the holding or delivering of *Burgundy*, thereby we may attain a more full and certain knowledge of what the *States* can do; and of the matters that have been, or that ought to be tranſacted by them.

The meaning of the Word States.

THE Word *States* in divers Profeſſions has divers Significations, which are not to our purpoſe: two it has in Politicks and in the Civil Law, which onely we are to meddle withal. The one, whereby is meant the *Head*, and Supreme Power of the Kingdom: the other, whereby is ſignified the *Members* and the *Body* of it.

In the firſt Signification it is taken in *France*

France; and in all Kingdoms: therefore *Affairs* and *Reaſons* of *State* are called thoſe which appertain to the King and to the Kingdom, and thoſe are term'd Councils of *State*, where thoſe Affairs are Treated on. So meant *Ulpian*, where he ſays, *The publick Right is that which belongs to the State of the* Roman *Commonweal*; and alſo *Cicero*, in theſe Words, pro M. Cælio, *make enquiry of the Violence, the Laws whereof appertain to the Empire, to the Majeſty, to the State of our Country and to the Preſervation of all.*

In the other ſenſe 'tis in *France*, and generally underſtood, when under the name of States, all thoſe who by the ſame quality, which diſtinguiſheth them from others are comprehended in the ſame rank and order: thus alſo it is taken in the *Digeſts*, when all perſons being divided by their divers qualities, are comprehended in the ſame State, whom either bond or free, one and the ſame quality principally comprehends.

The Definition of the States.

IN the firſt ſenſe, the States are the ſupreme power of the Kingdom, the Monarchy, the Kingdom, and finally the King himſelf, who is the head, and in whom reſides the Sovereignty and the Monarchy: And of this State enough is ſaid already, ſeeing that no manner of doubt thereof can ariſe amongſt any men in their right Senſes.

In the ſecond ſignification, the *States* are none other than thoſe ranks, in the which are comprehended all perſons of the Kingdom, who by their divers qualities diſtinguiſhed into divers members, make the perfect body of the Kingdom it ſelf, and to Treat fully of theſe *States* is that which principally we intend.

And becauſe the quality and difference of men is commonly taken from the chief end to which they direct their actions, and the chief ends of men in *France* are only three; three only, therefore are the principal differences, which form

form the *Eſtates.* Either their end is Religion and the Service of God, or elſe the affairs of the World ; Of the former, as from their principal end, is formed the State of the *Clergy*, and of t e latter is made the *Lay-State.* But becauſe this *State* contains a greater Multitude, and direct their actions to two ſeveral principal ends : the one part deſigning Honour, the Service of their King,and the defence of their Country ; Actions that have no relation to Mechanick Arts : And the other part aiming (either by the neceſſary employments which Nature taught them, for the ſupport and benefit of life ; or by the uſe of Handicrafts) at profit and gain : hence follows a ſubdiviſion of this Order ; of the former is made the State of the Nobles or Peers, and of this other, that Order which in *Rome* was called the *Plebean*, and in *France* (by much a more gentle term) called the *Third State.* And in this are compriſed thoſe who Adminiſter Juſtice,Advocates, Proctors, Merchants , Artificers, Husband men, and in ſhort , all who are not compre-

hended in the two former. And ſo in the Kingdom of *France* are three States that repreſent all the men who make up its body.

Here ſome may doubt; firſt, whence it is, that they, who adminiſter Juſtice, or are Inſtrumental at the diſtribution of it, have not made a diſtinct Order, or however are not compriſed within the Order of the Nobles, conſidering that the end they have in Adminiſtring Juſtice, is a principal and main end, and far different from any of the others abovementioned.

Secondly; whether the States have been always three, as at this preſent time; or whether they admit of any alteration.

Thirdly; wherefore, ſeeing that the States comprehend all the men of the Kingdom, yet when the States are Conven'd, there only meet ſome certain particulars, and not all the men of the Kingdom.

Why

Why the Miniſters of Juſtice make not a ſeparate State.

AS to the firſt, a perſon of quality of our time, ſpeaking on another occaſion; ſaid, That Juſtice makes not a ſeveral State, becauſe 'tis compounded of the men of the other three States; there intervening in the Adminiſtration thereof, both Clergy, Nobles, and men of the third State. Yet this Judicious Conſideration, is not ſufficient in my Opinion, to clear the doubt which we propoſed: becauſe, as the State of the Clergy, though compoſed of Nobles and men of the Third State, is nevertheleſs a ſeveral State, by reaſon the end of their actions is different from that of the others, In like manner, the end of the Miniſters of Juſtice being different, notwithſtanding its compoſition of the other three States, ought nevertheleſs of it ſelf alſo, to make a ſeveral State. And if it be objected, that they are comprehended in the Third State, becauſe likewiſe their Actions are directed to

Gain, which is the end of the Third State. It may either be denied, That the end of the Men of Juſtice is, (or at leaſt, ought to be) Gain, their proper End being the Obſervation of the Laws, and the Adminiſtration of Juſtice, whereby the Peace is preſerved, and the Publick Good promoted: or, it may be ſaid, That though indeed that employment is accompanied with Gain, yet the Gain it ſelf only follows by way of conſequence or appurtenance, and is in no wiſe the principal end, and therefore not to be conſidered: Or farther, it may be alledg'd, That though, in Truth, Gain were the End, yet this Gain (being the fruit of Noble Actions, which have their Root in the Sciences, and habits of Vertue, and not from any *Mechanical* exerciſe, or employment of the body) ought rather to be accounted an handſom gratuity, and honorable recompence, which in Latin they call *Honorarium*, than to be lookt upon as any ſort of Gain. And thus the men of Juſtice, by reaſon their End is different from the others; and for their Noble

Actions

Actions, ought either to make a ſeveral State, or (as has been ſaid) be comprehended with the Nobility.

But, to anſwer all; ſince that the Cuſtom of the Kingdom has allow'd Three States only, and has included the Miniſters of Juſtice in the Third, 'tis ſuperfluous to doubt, or deſpute any farther, whether they ought, or ought not to make a ſeveral State; or, if not, in which State they ought to be comprehended, it being granted, That in this matter Cuſtom is inſtead of a Sovereign Power, and (it appears) has determin'd this particular, not without moſt juſt Conſideration. And, in like manner, as the Prelates ennoble the Clergy, the Princes render the Nobles Illuſtrious, ſo the Miniſters of Juſtice make the Third State Honourable, therefore we may conclude, there are only Three States; the Clergy, Nobility, and the Third State.

Whe-

Whether the States *have been always Three, as at this preſent time.*

TO reſolve this Doubt, we muſt look back to the beginnings of the Monarchy, and examine all that Tract of time, for above the ſpace of 1200 years; which is a matter of great difficulty; However, I believe great alterations have been made, ſince the firſt times, and that during the Reign of the firſt Kings; either there was no other State but that only of the Nobility; or, at the moſt, only the *Lay-States*. And the reaſon which induce me to be of this Opinion, are; firſt, the conſideration, That in the Firſt *States* that were Conven'd, all whoever met there, were deſign'd by the only name of the *French*, without any other particular denomination of divers States: The ſecond reaſon is evident, for that in the days of *Faramond*, and ſome time after, the *French* being a wandring People, that had no fixt habitation, at the leaſt, on this ſide of the *Rhine*, but went roving about, endeavouring

vouring to ſeat themſelves in *Gaul*, which afterwards they affected, though with much ado, and after great expence of Blood and Time: Now, I ſay, 'Tis certain, that in thoſe firſt times, the Kingdom conſiſted only of an Army and Military Forces, and their King, the General, Leader and Commander of them; as may eaſily be gathered from the words of *Sigebert*, under the year 475, in his Chronicle. *The* French *after the* Vandals; *and the* Alans *after the* Goths; *and the* Hunns *invaded* Gaul, *not only to make ſpoyl, but to poſſeſs it for their perpetual Habitation.* And throughout all the Hiſtories that in thoſe times mention them, theſe Kings were called, the *Kings of the French*, and not the *Kings of France*, In thoſe days there being no place in *Gaul* called *France*, from whence they might derive that Name. The like may alſo be ſaid of the Kings of the *Goths*, of the *Vandals*, and of many other Nations, who ravag'd the Provinces of the *Roman* Empire: So that being only an Army which driving all to the ſame end, had no ſignal quality

to

to diſtinguiſh ſome from others; they could have no real difference, which might rank them under particular Orders, and therefore they remain'd all under the general Name of the *French*, without being otherwiſe taken notice on, under the appellation of divers States. To this may be added, that their Number was not ſo great, nor were they ſo far aſunder, that, when they were to be called together, any Difficulty or Confuſion needed to happen, by their not being divided into States.

And to prove this Opinion to be True, or at leaſt probable, I ſhall bring the Teſtimony of the moſt Ancient Writers. *Aimoinus* ſpeaking (at the Election of *Faramond*,) of the firſt States that ever had been Conven'd, ſaith, Lib. 1. Cap. 4. of his Hiſtory. *The* French *chuſing a King, after the manner of other Nations, Exalted* Faramond, *the Son of* Marcomire, *into the Royal Throne.* And *Sigebert* under the year 419, *The* French, *their Leaders* Sunno *and* Marcomire *being dead, Conſulted in Common together, about their having*

having a Kingdom alſo, like other People; and they made Faramond, *Son of* Marcomire, *King.* And *Otho Friſingenſis* ſpeaking of the *French*, Lib. 4. Cap. 32. *no ſooner was* Sunno *dead, but with joynt Council and Conſent, they made* Faramond, *Son of* Marcomire, *King.* And clearly *Uſpergenſis* after the year 307 of the Original of the *French*. *Then* Sunno *being Dead, the* French *conſulted amongſt themſelves, about having a King, after the mode of other People; and, having adviſ'd with* Marcomire, *they conſtituted his Son* Faramond *King.*

And the ſame alſo appears in the ſecond States, though Seditious and Unlawful, that were many years after held at the Election of *Egidius* the *Roman*, when the *French* had driven *Childerick*, the Third Succeſſively from *Faramond*, out of the Kingdom; of which matters *Gregory Turonenſis*, who lived near thoſe times, Lib. 2. Cap. 12. of his Hiſtory, ſaith: *Finally, the* French Childerick *being expell'd the Kingdom, unanimouſly received for their King* Egidius, *whom I ſaid before to have been ſent Maſter of the Horſe by the* Roman Commonwealth,

And

And Aimoinus, Lib. 1. Cap. 7. *But the* French *forgetting the Injuries they had done the* Romans, *made* Egidius *the* Patrician, (*who had the Government of* Gaul *from the* Romans) *their King*. And Sigebert under the year 461. *The* French *propos'd* Egidius *Captain of the* Romans, *to be their King*.

The Authorities above cited, plainly ſhow, that they were never deſigned by other name, than that of the *French*, and yet to ſhew their Convention. *Aimoinus* ſaith, *Chuſing a King*, it being clear, That no Election could be made, unleſs they, whoſe Priviledg it was, had been called together, and ſays *Sigebert*, *Conſulted in Common together*. Otho Friſingenſis, *with joynt Council and Conſent*. Uſpergenſis *Conſulted amongſt themſelves*. and *Gregory Turonenſis* of the ſecond States. *Unanimouſly received for their King*. And not any of them mentions one word that may intimate a difference or particularity of any State.

But the Truth of our Opinion is much more clearly demonſtrated, by the third Convention of States, which was under

the

the great *Cloves*, for the lawful receiving of the Christian Religion, of whom *Gregory Turonensis* relating his Answer to St. *Remigius*, who exhorted him to fulfil the Vow he made to turn Christian, Lib. 2. Cap. 31. *Most willingly I Obey thee, Holy Father, but what if the People who follow me, will not suffer me to forsake their Gods? nevertheless, I will go and try, accordingly as you direct. And being come amongst them, ere he could speak (the Divine Power preventing,) the People cryed out all with one accord, Away, away with these Mortal Gods, most Gracious King, and let us all follow that God which* Remigius *declares to be Immortal.* And Aimoinus, Lib. 1. Cap 16. *The King then, understanding the Truth, promised devoutly to serve one only God, yet confessed ingeniously, That he would trye, what in this poynt, was the opinion of the principal men in his Kingdom, and of his Army; to the end they might the more devoutly submit to Christ, being induc'd thereto, through fair means, and not by Threatnings. This Condition is accepted, and by an Edict of the King, a publick Convention of the People is Proclaim'd; there*

met

met the chief men of the Kingdom, and like wiſe the Military Multitude; to whom, being in his preſence, the King ſpoke after this manner.

Hence we obſerve, that the King Convening his People, whereof his Kingdom conſiſted, as *Turonenſis* clearly ſhews in theſe Words: *the People that follow me.* And Aimoinus in theſe, *a Publick Convention of the People is Proclaim'd.* In the Convention are only named the Chief of the Kingdom, and the Military Multitude, as *Aimoinus* calls 'em, which are none other but the Order of the Nobles: or, at the moſt, of the Nobles, and thoſe that were not Nobles; and ſo the two Lay-States only. And this is confirm'd, what I ſaid, that the Kingdom in thoſe times conſiſted of an Army only; The People of *Gaul* not being receiv'd by the *French* Conquerors at that time, into the Body of the Kingdom, nor into any ſhare of the Government.

What has been ſaid is confirm'd by the States, who, for the reſtauration of Military Diſcipline and Juſtice, were called

call'd under *Guntrann*, Son of *Clotharius* the firſt, and Nephew of the great *Clovis*, where, with a ſpecified number, four Biſhops being called, it appears that about this time the Kings began to receive the Biſhops of *Gaul* into the Government, and therefore called only whom they pleaſed; whereas, had theſe come as a Member of the Kingdom, reduc'd into a State, not four only, but all, with all the Clergy ſhould have been preſent: And further, it appears that in proceſs of time, the *French* and the *Gauls* growing one people, the Biſhops began to be received, afterwards the Abbots, and ſucceſſively all the Clergy; and ſo at laſt, of them all was form'd the State of the Clergy. *Gregory Turonenſis* ſays then, ſpeaking of *Guntranr*, Lib. 8. Cap. 30. *after having called four Biſhops and the chief of the Layety, he began to ask the Leaders.*

The States then, from the Beginning, were either one only of the Nobility: or elſe two, of the Nobility and of the Third State; or, to ſpeak (perhaps) more properly, of the Souldiers, Af-

terwards, in the Tract of Time, other Conditions of Men began to mix in the Third State, and a ſeveral State to be made of the Biſhops and Clergy, and at the length three States to be eſtabliſhed, and in the ſame form, as at preſent.

Wherefore in the Conventions of the States all the men of the Kingdom are not preſent, but only ſome Deputies.

THE third doubt is eaſily reſolved, for that the Kingdom of *France* is grown ſo great, and enricht with many populous Provinces, and therefore cannot croud all the men thereof into one only place, 'tis for the Convenience ſake eſtabliſht, that the Inhabitants of particular places meeting together, ſhould ſend ſome Deputies to the Convention of their Provinces, which are diſtinct each from other, and that in theſe Conventions they afterwards chuſe ſome, who in the name of their Province, ſhall ſerve in the general Convention of the Kingdom: and ſo theſe appear-

appearing in the Name, and with the Power of all the Province, the inconvenience of meeting, and the Confuſion is taken away, and the effect follows, as if all the men of the Kingdom were perſonally met together; for *Paul* tells us, *That it matters not, whether a thing be done by a whole Order, or by one who is Deputed by that Order.* And now we may proceed.

To know what Power the States have, who are the Body of the Kingdom, we muſt ſearch for a Principle more high, and examine what a Kingdom is, and what its power, that ſo we may ſee afterwards what Power remains in the States.

What a Kingdom is?

A Kingdom then is an Ample and Perfect Society of Men, which abounding with Noble and Illuſtrious perſons, live Vertuouſly under a King. But that it may be more clearly underſtood what a Kingdom is, and ſo that we may find what we are in queſt of, and the ſureſt

way can be taken, is diligently to examine the parts.

Wherefore, although why a *Kingdom is a Society of men* is ſo clear, that there is no need of making farther enqui y on that occaſion, nevertheleſs 'tis neceſſary for our purpoſe to ſee why this Society is made, and from whence it grows, and beginning with the laſt, I ſay, That Speech which is only and proper to men, proves ſufficiently, that the Society of men proceeds from Nature, ſince that the Tongue cannot be employ'd reaſonably unleſs in Company, becauſe it being proper for the Tongue to expreſs the Conceptions of the mind, none that is not crazy, and beſides his Senſes, will hold parly with himſelf, or talk to his own Ears the thoughts of his Heart: Nature therefore that gave man a Tongue, gave him alſo an inclination to that Society where he might uſe his Tongue, or to ſpeak more properly, gave him the uſe of his Tongue, to the end he might enjoy that Society, for which Narure deſign'd him.

The ſame thing is demonſtrated by the

the uſe of Moral Vertues, which are alſo proper and particular to Humane kind. How, and to whom ſhall Juſtice be adminiſtred, unleſs amongſt men? how ſhall Fortitude appear, unleſs on ſuch occaſions as happen amongſt men? how Temperance, unleſs for the moſt part on the like occaſions? where ſhall Prudence have place, unleſs in debating and reſolving the affairs of men, and thoſe eſpecially which concern the Intereſt and Government of the Multitude (who can be Liberal if he give not to many? who ſhall enjoy the ſweets of Freindſhip, if he have not to whom he may be a Friend? and who could reliſh the Poſſeſſion of the whole World, if he had not a Friend with whom to ſhare his Happineſs; Nature therefore that has made Vertue proper to man, has alſo made it proper to man to live in Company: We muſt thank Nature then for our Society, and for the exerciſe of thoſe Faculties which are only proper and ſingular to man.

Why this Society is made, is ſufficiently manifeſt by that Natural Inclina-

tion, which importunes man to perpetuate himſelf and his kind; for from hence follows that Conjunction of Man and Woman, by ſome accounted a Sacrament, by all, a Lawful Matrimony. The ſame alſo is clear, from the Care Parents take to Educate, Inſtruct and Accompliſh their Children and Poſterity, neither this nor the other being feaſible, unleſs with Company.

And likewiſe from the Advantage, a man receives from Commerce with men, for who is ſo abundantly furniſh'd with all things neceſſary? who can ſo perfectly foreſee all things that may be needful or convenient for him, which are not in other hands, and whereof others may have plenty whilſt he is in want?

The Neceſſity alſo, that one man may have, of being defended from anothers Violence, proves the ſame thing: for Nature having arm'd all other living Creatures, ſome with Horns, ſome with Beaks, ſome with Claws, ſome with Teeth to fight withal: or elſe Swiftneſs, or Wings to avoid the Enemy,

my: inſtead of theſe, to men only is given Prudence, whereby united and in League together, they may joyntly overcome that force againſt which one by one, and ſingly they could make no defence.

This Society then was made to ſatisfy the natural inclinations, and for the Convenience and Security of mankind, and from theſe motives ſprang the firſt Societys which produced Families, Neighbourhoods and little Townſhips.

But becauſe the men of unquiet and wicked Spirits were apt to multiply, and it being therefore neceſſary alſo that the Society ſhould encreaſe, to be able to reſiſt and ſuppreſs them, hence the Territories came to be enlarged, and more Townſhips to be united, which afterwards grew up to Provinces, and it not being only needful to ſuppreſs the Riots, and correct the diſturbers of their Peace at home: but alſo there being a neceſſity of defending themſelves from thoſe unjuſt invaders, and foreign Enemies who ſeek by open War to oppreſs

them, neceſſity taught them to joyn the Forces and Strength of more Provinces, thereby to be in a Condition to ſecure themſelves againſt what Enemy ſoever ſhould diſturb them; and, finally, it is from this union of Provinces that a Kingdom is formed; and thus a Kingdom is an ample Society of men.

It is a perfect Society for two reaſons; the firſt, for that this Society is all of it ſelf as an entire body, and not as a member which depends on another body, and has therefore neceſſary power within it ſelf: has its own Councils, its own Laws and its own Magiſtrates, for otherwiſe it could neither be called a perfect Society, nor a Kingdom: as for example, *Burgundy* cannot be called a Kingdom ('tis indeed one of the fair Provinces of *France*, contains a great Multitude of People, and in former times was a Kingdom,) becauſe at this day, 'tis only a Member and not a body entire. The ſecond reaſon is, that it is a Society ſufficient of it ſelf, and able to ſupply all its occaſions, without any

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neceſſity of help from elſewhere, and therefore hath all things that are convenient for a good and vertuous life, and ſo much Strength as may ſuffice to repell all Enemies that in any probability might be troubleſome to it, for ſhould there come from ſtrange Countries an Inundation of unknown People, as heretofore the *Goths*, the *Lombards*, the *Huns*, and other Barbarous Nations that overran the *Roman* Empire, this would not hinder, but that it might ſtill remain a Kingdom, and a perfect Society of men, though it could make no defence againſt ſuch a Storm: the like happening ſeldom, and out of the proſpect of Humane Prudence, and on ſuch occaſions 'tis neceſſary that for the common Security more Kingdoms unite, more Kingdoms being Threatned with the ſame Deſtruction. Thus to preſerve themſelves againſt *Attila*, *Etius* the *Roman*, *Merovee* the *French*, *Theodorick* the *Viſigoth*, and others did Confederate together.

In the like manner is to be underſtood that it hath all things convenient

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or at leaſt equivalent, for it may well be, that a Kingdom may want one thing neceſſary, and yet abound in ſuch plenty of others, as may in exchange from abroad anſwer the defect; and this nevertheleſs is a perfect Society and Kingdom: whereas, if what is neceſſary were wanting, and no means found to ſupply that Want, this cannot be called a Society, nor a Kingdom, nor truly perfect; it follows from what has been ſaid, that the Society which makes a Kingdom to be perfect, ought to poſſeſs a Country ſo Fruitful and Large, as may conveniently afford of it ſelf all things that are neceſſary; But I ſhall not purſue this Argument, it being not very much to our purpoſe.

Is a Society abounding with Noble and Illuſtrious perſons, becauſe it is abſolutely neceſſary that in this Multitude who have a deſign to live Vertuouſly, many ſhall be born, who by their own proper Actions and Vertue, ſhall lay the Foundations of that Nobility, which, afterwards enrich'd by the Noble

ble Actions of their Succeſſors, will make the Families Splendid and Illuſtrious.

'Tis laſtly, a Society that lives Vertuouſly under a King, and it is therefore as well diſtinguiſh'd from other Societies, who live under Principalities, either of a few Nobles, or of the People who Govern by the Laws; as alſo from all other domination, Tyrannical and Unjuſt. The Societies, then, which make Kingdoms, as all others, are form'd by Nature, and by the Conſideration of thoſe great Advantages that always attend great Societies.

It now remains, that we underſtand by what occaſion, and how this Society of men becomes Subject to a ſingle Perſon, and to know more clearly what Power he has in himſelf, that we may find what we enquire after.

And it being true, which experience moſt certainly ſhows, that the Appetites and Wills of men are far more various and different amongſt themſelves, than either their Countenance or the Features of their Body; thence it plainly

ly appears, that the Actions and Designs of every one so certainly turn to divers ends, as the desires that carry them are divers: and that therefore every one proposing an end to himself different from all others, it would be absolutely impossible that they should continue long together in the Society and in Peace, and enjoy those Benefits for which the Society was ordain'd; if they should not have some Tye, which holding them united together, should draw them all along to the same end. And 'tis also plain, that the same Nature that brought them to this Society, for their Preservation, and for the Advantages they enjoy by it, gave them Prudence, to know, that to preserve this Society, and to preserve the Peace in it, it is necessary, that there should be one, who laying aside private Advantages and particular Interest, should turn his eye to the general and publick Good, to this only end bend all his Thoughts, employ his Mind, direct his Actions, and by the Sinews of his Power hold the rest so fast united, that he

he ſhould guide them all to the very ſame end. Hereupon they reſolve and make choice of one, whoſe Prudence and Goodneſs they might confide in, and conſtitute him Superior to all; ſo that he may take care of all, defend all, and as Head and Chief of the Society have the Government and Diſpoſal of all the Body, and of the publick benefits of the Society.

Therefore by the neceſſity that Nature ſhow'd us, and by the Election of men guided by Prudence, is the Royal Preeminence introduced into Societies.

Here it may be objected, that Kingdoms go not always by Election, but that they are very often gotten by Arms. To this, I ſhall only anſwer, That we ſpeak of Lawful Kingdoms; which cannot otherwiſe be Conſtituted, but by Election either of God, as that of *Saul* and of *David*; or of men, as thoſe whereof we ſpeak.

So that He who gains a Kingdom by Arms, either has right to that Kingdom, and then gains not a Kingdom, it being

being his right, and in all juſt reaſon due to him, but puts himſelf in poſſeſſion of that right, which others had unjuſtly uſurped from him; and therefore holds that Kingdom, either by Election, or by a Lawful Succeſſion of them, who had it by Election; or otherwiſe, He has no Right, and then Conquering a Kingdom, he makes it a Tyrannical Principality, and not a Kingdom; till ſuch time, that after many Ages, and by a Juſt Government all violence forgotten, he obtains by a long and continued conſent of the people, a Tacite Election, which brings it to be Lawful. Wherefore, Treating, as has been ſaid of a Lawful Kingdom, we ſhall not ſpeak of thoſe that are gotten unjuſtly by Arms.

What Power is in a Kingdom?

BUT returning to our purpoſe, as in vain had men been reduc'd into a Society, and in vain had the reſolution to chuſe a Prince, if in the Society they ſhould not have had that Power to puniſh

niſh Offenders, to defend and preſerve themſelves, which they had need of; As afterwards alſo in vain had been that Power, if they could not have transferred it to their Prince, for the execution of his Charge: For that, if either the Society was without Power, or the men in it, had all equal Power, every one would certainly be Governed according to his own Will, and every ones Will would be ſway'd by his Appetite, contrary to the Appetite of every one beſides: and ſo every one drawing a ſeveral way, 'tis very certain that the Society would be ill able to defend its ſelf, either from its Enemies at Home or Abroad, but muſt ſpeedily be diſſolved and ſpeedily fall to Ruin.

As alſo were the power only in the Multitude, and they could not tranſfer it to their Prince, being the People of a Kingdom would not be able for the Execution of that Power, to meet all in one day and in one place, ſo often as there ſhould be need, (and need there would be too often) moſt certainly the Society would be defrauded of thoſe Ad-

Advantages which Power brings to a Society.

It can be no doubt, Power being neceſſary amongſt men, for the ſame end that a Society is neceſſary, but that Nature which induc'd men to a Society; did alſo moſt certainly furniſh this Society with Power, without which it could never ſubſiſt, and with Power in ſuch manner as was neceſſary. Nor can it be doubted, but having afterwards endu'd them with this Power, Nature alſo made them capable of transferring it to their Prince, otherwiſe in vain would they have been reduced into a Society, and in vain would have received that Power. A Society, then has of neceſſity from Nature, within it ſelf, the power of doing every thing that is either neceſſary or convenient for a well-order'd People; has the Power to transfer this Power to their King; and in ſhort, whether it reſt in the People, or is transferred to the King, is for its Preſervation, and good Government, Abſolute and Omnipotent.

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Returning now to the queſtion, which is what Power the States have, I ſay, That from the Premiſes an Anſwer may eaſily be drawn.

The Power of the States before the Election of a King.

NOT having made Election of a King, the States have all the Power, which before we ſaid to be neceſſarily in a Society, which of it ſelf is ſufficiently evident.

After the Election, the Power is wholly in the King.

AN Election is made, the King lives, and is able to Govern: and now ordinarily the States have not any Power at all; having with the Election transferr'd it to the King. This is clear in the Kingdom of *France*, it not being ſeen in the Elections, that the States ever reſerv'd any Power at all to themſelves, as plainly appears by the places above cited, in the Election of *Faramond*,

out of *Aimoinus*, *Sigebert*, *Friſingenſis*, and *Uſpergenſis*, the ſame may be obſerved in the Election of *Pipin*, of which ſaith *Eginhartus*, Tutor of *Charles* the Great, in his life, at the beginning. *But* Pipin *by the Authority of the Biſhop of* Rome, *of the Maier of the Palace, made King, having Reigned fifteen and more years*, &c. the continuator of *Aimoinus*, Lib. 4. Cap. 61. *This year according to the Decree of the* Roman *Biſhop*, Pipin *was choſen King of the* French, *and to the Dignity of this Honour was Anointed with the Holy Unction by* Boniface, *Arch Biſhop and Martyr, of Holy Memory*; *and according to the Cuſtom of the* French, *was in the City of* Soiſſons *exalted.*

Adon of *Vienna*, under the year 727. Pipin *ſent* Utgard *Biſhop of* Wisburg, *and* Falrade *his* Chaplain, *to* Zachary, *then Biſhop of* Rome, *to ask him whether the Kings of the* French *ought to continue ſo, not having any Power, but content with the Name only of a King. To whom Pope* Zachary *anſwered, That he much rather ought to be called the King who Governed the Common Wealth. The Ambaſſadors being*

ing returned, and Childerick *Depos'd, who then had the Name of King, the* French, *by the Advice of the Ambaſſadors, and of Pope* Zachary, *choſe* Pipin, *and made him King.* Reginon in his Chronicle under the year 750. Pipin, *according to the Cuſtom of the* French, *being choſen King, and anointed by the hands of* Boniface, *Arch Biſhop of* Monts, *of Holy Memory, in the City of* Soiſſons, *is exalted by the* French; *And* Childerick, *who was falſly called King, is ſhaven and put into a Monaſtery.*

Godfrey Viterbienſis, part 17. under the year Seven hundred and fourteen. *But* Pipin, *by Pope* Zachary, *and by the Election of the* French, *is made King of the* French, Childerick *being ſet at nought, now a Monk in a Monaſtery.* And *Uſpergenſis* ſpeaking of Pope *Zachary*, under the year 751. *And giving his Authority, Commanded that* Pipin *be conſtituted King*, under the year 752. Pipin, *by the Authority of Pope* Zachary *choſen, according to the Cuſtom of the* French, *to the Kingdom, is exalted by the hands of* St. Boniface, *Arch-Biſhop of* Metz, *in the City of* Soiſſons, *to the Royal Seat.*

And this is yet more clear in the Election of *Odo*, of which the Continuator of *Aimoinus*, ſpeaking of *Charles* the Simple, Lib. 5. Cap. 42. *whoſe Age, the chief men of* France, *having judged unfit (as indeed it was) for to exerciſe Dominion, eſpecially now, when News came of freſh Tumults in* Normandy, *They conſulted upon the Sum of affairs; wherefore, there remaining two Sons of* Robert, *Count of* Anjou, *(who was a perſon of the Houſe of* Saxony,) *the Elder named* Odo; *the other* Robert, *after his Father,* Odo *the Elder, was by the chief of the* French *of* Burgundy *and of* Aquitain, *Aſſembled together, againſt his Will, choſen Guardian of the Child* Charles, *and Governour of the Kingdom; and was anointed by* Gualter, *Arch Biſhop of* Sens: Regino under the year 888. having told the Death of *Charles* the Groſs, ſaith, *Now whilſt the people of* Gaul *were aſſembled together, with the Conſent of* Arnolfus, *with joynt Council and good Will, they made King over them,* Duke Otho, *Son of* Robert, *of whom a little before we have ſpoken, a perſon ſtout, and in whom, above all the reſt, was noted his handſom Countenance,*

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his tall Stature, his Greatneſs, his Strength, and his Wiſdom. Sigebert, *under the year* 690. having alſo related the Death of *Charles* the Groſs. *But the* French *having deſpis'd* Charles *the Son of* Lewis *the Stammerer, a Child of ſcarce ten years Old, they preferred* Odo *for their King, the Son of Duke* Robert, *ſlain (as we have ſaid) by the* Normans. Otho Friſingenſis, Lib. 6. Cap. 10. who alſo had ſet down the Death of *Charles*. *Then the* French *of the Weſt, with the Conſent of* Arnolf, *made* Odo *the Son of* Robert, *a valiant perſon their King*. And Uſpergenſis under the year 886. *the Princes of* Gaul *made* Otho, *a Warlike and Stout perſon their King, in the Palace of* Campagne.

Now ſeeing that by all theſe places of the principal and lawful Elections in the Kingdom of the *French*, thus at large ſet down, it is manifeſt that the Elections were always made abſolutely and without reſerve. It alſo of neceſſity follows, that the power of the Kingdom was always transferred to the King abſolutely and without reſerve.

But I cannot forbear to ſay, That I am

of opinion that the Election of *Pipin*, and of *Odo*, ought to be called Declarations and not Elections, it being underſtood that though *Pipin* and *Odo* were of lines far diſtant from that of *Meroveus*, yet nevertheleſs, both were of the ſame Blood with the Antient *French* Kings, from which the *Merovingians* had their Extraction: However, preſuppoſing now the Opinion hitherto generally received, I will leave it to be handled in a particular Diſcourſe, and return to our Deſign.

What has been ſaid is confirm'd by all Hiſtories, which without any variation, teſtify, that the Kings always Governed Abſolutely; and the reaſon is manifeſt, becauſe it is ordinarily the Kings right, as *Bartolus* relates in his Treatiſe *de Tyrannide*; And *Corſettus* in his *de poteſtate regia*, ſaying, *That the King has all the Power, when in his Election no reſerve appears.* Hence it is clear, that the power of the Kingdom is wholly transferred to the King, and moreover the King being Elected for the Defence and Government of the Kingdom (as is above

above fully ſhewn, he could not execute his Charge, nor anſwer the ends of his Election, if all the Power were not transferred to him, The States therefore have not any power, nor can it be ſaid, That after the Election any remains in the States, as well, becauſe it cannot ſeverally and abſolutely be in two, as becauſe it were not expedient that it ſhould; for being equal in Command, the one could have no power over the other, nor could there be any Obedience, nor from divers Orders ought enſue but Confuſion, and the ruin of the Kingdom; as alſo, becauſe the States having their Power not from themſelves but from Nature, and not having from Nature other power than that which is neceſſary for them, Nature doing nothing in vain, and the States themſelves transferring their power to the King, and it being convenient, that they transfer to him, all that which is neceſſary for the Government, 'tis therefore certain, that they transfer to him all the Power which they had from Nature, and conſequently, that they themſelves

ſelves reſt depriv'd of it. Nor is it material, that the States Creating a King by their Election, ſeem alſo to Create the Power, which they transfer to the King, and ſo that having power to create, the power always remains with them, notwithſtanding that they transferred it to the King: to anſwer this, we ſay, 'Tis indeed true, that by the Election they Create a King, who was not before Created, yet it is not true, that they create the power, which has no dependance on them, but is created by Nature; and is therefore neceſſary in the people, whether the people will or no, ſince no man can renounce the Defence, and preſervation of himſelf, which he has from Nature.

And though indeed the States before the Election, may be without a King, preferring the Government of a few, or any other Government, yet in no wiſe can they be without the power, which is neceſſary to them for the Government; becauſe that power has not its riſe from them, but (as is ſaid) is given them by Nature, for that Preſerva-

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tion and Defence which they cannot renounce, the Power therefore not depending on them, 'tis certain, that after they have deliver'd it over by an Election, they have it no longer in themſelves, accordingly in the Additions to *Eutropius* by *Paulus Diaconus*, Lib. 12. *Valentinian* to the Soldiers, who after having choſen him Emperor, would have given him a Companion in the Empire, *Hold, Gentlemen Souldiers*, ſaid he, *it was in your power, when I was not Emperor, to give me the Government of the Empire, but now that I am in Poſſeſſion 'tis mine, and you are not to trouble your heads with publick matters any further.*

Now becauſe we have ſaid, that the States before the Election of a King, may chuſe either an Ariſtocracy, or any other Government; I muſt declare, that this has place only in the firſt times, when the People were to chuſe the form of their Government, becauſe it can hardly take, in caſe of a Kingdom which for many Ages had been Governed by a ſingle perſon; for no man is ſo little vers'd in Civil

Civil Affairs, but knows that the Laws of a Monarchy are altogether different from thoſe either of an Ariſtocracie, or of a Popular Government, and that the Change even of one ſingle Law is in it ſelf ill and dangerous, notwithſtanding that the Change is made for the better: And therefore, ſince a Monarchy cannot be changed into another form of Government, but all the Laws muſt likewiſe be changed; and the change of them being ſo much the worſe and more dangerous, inaſmuch as it is abſolutely neceſſary that not only one, but all muſt be Changed. And, in like manner, as in a mans body, accuſtomed to one way of living, which after many years is become natural to him, he cannot change his Courſe of Life, though into a much better, without putting his body into certain danger. So 'tis with a People accuſtomed to live under the Government of a ſingle perſon, and under the Laws of a Monarchy, which by the uſe of many hundred years are made natural to them, they cannot alter this Government and theſe Laws, with-

without promiſſing a certain ruine, not only of the Head, and of the Monarchy; but alſo of the Members and of the body of the Monarchy it ſelf, and in ſhort, of all the People.

The power of the Kingdom in the Succeſſor that is capable, when the King is uncapable.

WHERE the King is alive, but either by being in the hands of Enemies, or by other accident is uncapable of the Government, and when he who ought to Succeed is capable, the power remains in the King, but the Adminiſtration of it, and the Government of the Kingdom during the Accident, and the incapacity belongs to the Succeſſor. This was proved by the Wiſe *Charles* the Fifth, whilſt he was Dauphin, when his Father King *John* was Priſoner in *England*, and the Deputies of the States had reſolved, that the King of *Navarr*, then Priſoner in *Paris*, ſhould be releaſed, and that a certain number of their body ſhould inſpect the Go-

Government, he Wiſely without more ado, diſmiſs'd the Aſſembly, of which Action *Gaguinus* Lib. 9. under King *John* thus ſpeaks, *four days after*, Charles *having taken Council of his Friends, called aſide ſome of the Deputies, and by them ſignified to the reſt, that they might return home, till at a more convenient time, he would have them call'd, and by this Invention of* Charles, *the Aſſembly was diſmiſs'd.*

And *Paulus Emilius*, Lib. 9. under King *John*, *To the young man this ſeem'd not the way to do his buſineſs, but to preſcribe Laws, to make Rules, and to give an audacious and potent head to the Factions, yet this was not a time to contradict them openly, and only by diſſembling, he confounded the Councils of the fifty Deputies*, &c. And a little while after the States being again Aſſembled, and ſome of them meddling with the Government, he forbad them to do ſo any more, of which *Gaguinus* in the ſaid Lib. 9. *But not long after, the violent Spirit of that Aſſembly was layd, and every one went home to his reſpective habitation; and the Aſſembly being diſſolved,* Charles, *called to him the Provoſt of the Mer-*

Merchants Charles Conſake *and* John Inſolane; *the principal Governors of the Kingdom, and forbad them to uſurp the Adminiſtration any longer, ſaying That he himſelf was of Age ſufficient to govern the Common Wealth.*

The power of the States to depute the Government, the King and the Succeſſor being both uncapable, if the King had not before deputed a Regent.

WHEN he who ought to be the Succeſſor is alſo uncapable, and the King had not before his uncapacity, conſtituted a Regent of the Kingdom, and the power ſtill reſting in the King, The States and the Princes of the Kingdom have power to depute the Government of that Kingdom, this may be ſeen in the time of *Charles* the Sixth, when having loſt his Senſes, and his Son an Infant in the Cradle, and his Brother under Age, The States deputed *John* Duke of *Berry*, and *Philip* the Bold, Duke of *Burgundy*, his Uncles, of which *Paulus Emilius* Lib 9. under *Charles* 6.

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The King being carried from Mons *to* Paris. *an Aſſembly was made for the Supreme Adminiſtration of the Kingdom, the Duke of* Orleans *as the next, demanded it. But ſo great a Burthen was denyed to his tender Years. and to the Uncles was given the Power of the Government*, &c.

But if the King had before appointed a Regent, then the Regent has the Adminiſtration of the Power and of the Kingdom.

An Inſtance of this kind we have in *Francis* the Great, when during his Impriſonment in *Spain*, *Lodovica* of *Savoy*, his Mother whom he, before his Captivity, had declar'd Regent of *France*, Governed the Kingdom; on this occaſion *Ferron* ſpeaking of the ſame King *Francis*, who was afraid of being detain'd in *France* by his Mother, who in Order thereunto, Writ that ſhe expected him, having matters of the greateſt Conſequence to confer with him about. *Fer.* lib. 9. *He fearing this, departed ſuddenly, and nevertheleſs left her the Adminiſtration of the Kingdom.* And *Martin* de Bellay ſpeaking of the ſame departure, lib. 2.

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Leaving Madam Lodovica *of* Savoy *Regent in* France.

And *Ferron* in another place, after having ſaid, that the Parliament having heard that the King was taken, encouraged the diſtracted Multitude, it follows lib. 2. Lodovica *after their example held the Aſſembly of the Barons, and comforting them, bad them not be diſheartned in ſo great a Calamity,* Lautree *having left the care of* Baionne *to thoſe of* Grammont, *went to* Narbonne, *whether it was reported that the* Imperialiſts *would come; hereupon* Lodovica *with many words having commended his Council, writ to him to take ſpecial care that* France *might ſuſtain no damage, that* Baionne *being provided for, he ſhould not ſtir from* Narbonne; *and Writ what number of Foot and Horſe he needed for the Defence of that Province. She Writ alſo moſt kind Letters to the Cities, and Comforted all,* &c.

The Power of the States, the King being absolutely uncapable, declared such, and having no Successor.

WHen the King that lives is absolutely uncapable, has no Successor, and is declar'd uncapable, in those Circumstances, the power returns to the States, and therefore they may make a new Election.

This happened when *Charles* the Gross, being in a manner senseless, was depos'd from his Kingdom, and from the Empire, and in the Empire *Arnolphus* was substituted in his place, of which *Reginon* under the year 884. *This being done, the Emperor began to be weak both in Body and Mind, and therefore in the Month of* November, *about the Feast of* St. Martin, *he came to* Triburia, *where the general States were called, the chief men of the Kingdom observing, that not the strength of his Body only, but withal that the senses of his Mind also failed him, with one accord they preferr'd* Arnolph, *Son of* Carlomann *to the Kingdom; and sudden-*

ly they Cospir'd together, and forsook the Emperor, betaking themselves with all Diligence to the aforesaid Arnolf Sigebert Gembracensis under the year 890. Charles *the Emperor failing both in Body and Mind, is Depos'd by the chief of the Kingdom, and to the Kingdom is advanced* Arnolf *his Cousin, Son of King* Carloman. And *Otho Frisingensis*, Lib. 6. Cap. 9. under the year of our Lord 887 *The Emperor* Charles *having begun to be very ill of Body and of Mind, the Princes of the Kingdom near* Triburia *about the Feast of St.* Martin *chose* Arnolf, *Son of* Carloman *to the Kingdom.*

It is to be noted, That thou gh *Charles* the Gross, Emperor, was also five years King of *France*, and was Depos'd from the Empire and from the Kingdom: nevertheless *Arnolph*, who was base Son to *Carloman* of *Bavaria*, succeeded in the Empire, but not in the Kingdom, to which had been Elected *Odo*, first King of the Line that now Reigns; to prove this, may serve the Testimonies produc'd before about that Election, and especially *Regino*, who

writ in the year 892, as he tells us under the ſame year, and therefore at the ſame time that *Odo* was Elected; which according to him, was in the year 888, and after the Death of the ſaid *Charles* the Groſs.

But as I have intimated before, That I account the Elections of *Pipin* and of *Odo*, rather Declarations than Elections. ſo I will not here ſtick to ſay, That 'tis not in the Power of the States to declare the uncapacity of the King; and that 'tis not ſufficient, that the incapacity is ſo palpable, and ſo notorious, as to allow of no excuſe; But that 'tis alſo abſolutely neceſſary, that by ſome Supreme Power, far remote from any particular Intereſt or Deſign, and free from all ſuſpicion, this incapacity ſhould be declared, becauſe otherwiſe a Gate would be open for every Seditious perſon to diſturb the Peace and publick Tranquility; and under the pretence of incapacity, to Plot againſt the King to the Ruin of the Kingdom.

This is plainly demonſtrated as well by the Depoſition of *Charles* the Groſs

as

as by that of *Childerick*, for though the incapacity, or rather ſtupidity of *Childerick* was too notorious, nevertheleſs he was not depos'd from his Kingdom, till firſt, the Popes *Zachary* and *Stephan*, at the requeſt of the *French*, had declar'd him uncapable, and conſented to his Depoſition. And though the uncapacity of *Charles* the Groſs, through the defect of his Strength and of his Senſes, was alſo too well known; and that he was declared uncapable by the Princes of the Empire; yet for all this, was not *Odo* received for King, till firſt *Charles* was Dead, as both the one and the other may eaſily be ſeen by the Teſtimonies produc'd for the Elections of *Pipin* and of *Odo*, and of this we ſhall ſpeak more at large, in the particular Treatiſe.

The King being Dead, the Power paſſes to the Succeſſor, that is certain and capable.

WHERE the King is dead, and the Succeſſor is certain, there the States have no power at all, for that the Elections of the Kingdom of *France*, is not of one perſon only, but of the Blood; and operate ſo far as there is Life in that Blood, which is ſufficiently manifeſt by all our Hiſtories, though ſome there are, I know not with what deſign, who in theſe days ſtrive to contradict a Truth ſo manifeſt, 'tis certain that the Power transfuſeth it ſelf throughout all, without check or limitation, and in the Inſtant one King dies, is in the living, who was alſo in the life of his Predeceſſors (as the Civilians call him) as it were, Lord of the Kingdom, and of the Power. And the reaſon is obvious, for the Blood being choſen with the Prerogative of Primogeniture and not the perſon only; and with the ſaid Prerogative, the Power being trans-

transferred to the Blood, 'tis certain, that when one perſon of the Blood is dead, the Blood remaining, the Power alſo remains and reſts in that Blood, and in him of the Blood who is called by that Prerogative, and not in the States: and that this is true of the *Merovingians*, *Aimoinus* may ſatisfy us, who ſpeaking of *Faramond*, ſaith, Lib, 1. Cap. 4. *To whom ſucceeded his Son* Clodion *the Hairy. And* Otho Friſingenſis Lib. 4. Cap. 32. Faramond *being dead*, Clodion *the Hairy, his Son ſucceeded him, and a little after* Clodion *being dead, his Son* Meroveus *ſucceeded him, of whom the Kings of* France *were called* Merovingians. *And* Ado Viennenſis in the year 396. Clodion *being dead, who Reigned* 20 *years over the* French, Meroveus *ſucceeded him, of whom the* French *Kings were called* Merovingians. And a little after, *after* Meroveus, Childerick *took the Kingdom, and Reigned* 24 *years, to whom ſucceeded* Clodoveus, *who was the firſt Chriſtian of the* French *Kings*. Sigebert Gemblacenſis under the year 458. Meroveus *King of the* French *being dead, his Son*

Childerick *Reigned 26 Years.* And elſewhere under the year 483. *The King* Childerick *being dead,* Clodoveus *his Son Reigned 30 years.* Gregory Turonenſis, Lib. 2. Cap. 23. Childerick *being dead, his Son* Clodoveus *Reigned in his ſtead.* And *Aimoinus* ſpeaking of *Childerick,* Lib. 1. Cap. 12. *to Him by Hereditary Right Succeeded the aforeſaid* Clodoveus, *Second to none of his Predeceſſors in Vertue, and in War a ſtout Perſon.* And *Gothifridus Viterbienſis* ſpeaking of *Meroveus,* in the Preface of Part 17. *To whom dying,* Childerick *ſucceeded again, And* Childerick *dying, left the Kingdom to* Clodoveus *his Son.*

And that this was alſo true in the *Charlians,* the continuator of *Aimoinus* ſhows, Lib. 4. Cap. 62. *Pope* Stephan, *after he had heard for certain from* Pipin, *his Defence of the* Roman *Church, Conſecrated him with the Holy Unction, to the Honor of the Royal Dignity, and with him his two Sons* Charles *and* Carloman.

And *Sigebert,* under the year 752. Pipin *with his two Sons,* Charles *and* Carloman, *are anointed Kings by Pope* Stephan

phan: *and in them is their Generation Bleſſed with the perpetual Inheritance of the Royal Succeſſion, and the Uſurpation thereof is forbidden to all Strangers under the Apoſtolical Curſe*; and a little below, ſpeaking of *Charles* the Great, under the year 806. Charles *ſhares the Kingdom amongſt his Sons, and this he confirmed by his laſt Will and Teſtament, with his, and with the Authority of Pope* Leo. And the continuator of *Aimoinus* Lib. 4. Cap. 73. ſpeaking of *Charles* and Pope *Adrian. The ſame Pope Baptis'd his Son* Pipin, *and anointed him King; anointed alſo his Brother* Lewis, *and likewiſe Crowned them; of whom* Pipin *the Elder, was made King in* Lombardy, *and* Lewis *in* Aquitain. And *Lambert Scafnaburgenſis* under the year 814. Hiſt. Germ. *the Emperor* Charles *the Great dyed, and* Lewis *ſucceeded him.*

We ſhall not need to ſpeak of the *Capets*, becauſe they who would have denied the Hereditary Succeſſion to the Kingdom of *France*, in Concluſion, inſiſted only on the two firſt lines, and confeſſed it in the third. Now having

ſhown by the places above-cited, that not only the Kings have Succeeded by Lawful Succeſſion, without any intervening Election: but that alſo in their Fathers Life time, they were Declared, Anointed and Crowned Kings, which I reſerve to be more amply handled in a particular Treatiſe; it alſo appears, that the Elections were made of the Blood, and that therefore at the Deaths of the Kings, the Power remain'd with the aforeſaid Prerogative, always in the Blood, and never in the States.

The King being Dead, and the Succeſſor incapable, the power of the Government is in the Guardian of the Succeſſor.

WHERE the Succeſſor is certain, and by Age, or other temporary Accident uncapable, but has one, either by diſpoſition of Law, or, by a Teſtamentary Diſpoſition, who ought to have the Charge of him. In this Caſe, during the uncapacity, the Power reſides in the Succeſſor, but the Adminiſtration of it, and the Government belongs to thoſe who ought to have the Charge

Charge of him. This was ſeen in *Childebert* the Second who when his Father was ſlain, being a little Child, held the Kingdom under the Tutelage of his Mother *Brunechild* : of which *Uſpergenſis*, having related the return of the *Saxons* from *Italy*, after the year 565. *In this time was* Sigebert *kill'd, by the fraud of his Brother* Chilperick, *and* Sigebert's *ſon*, Childebert *with his Mother* Brunechild *held the Kingdom.* And *Sigebert* Gamblacenſis under the year 578. ſhewing the long Government after the Death of *Sigebert*. Brunechild *his Wife with their Son* Childebert, *or with the Sons of* Childebert *Governing the Kingdom*.&c. And *Gregory Turonenſis*, Lib. 8. Cap. 22. ſpeaking of Education, *At this time dyed* Wandolin, *Gnardian of King* Childebert, *but none ſupplyed his Place, becauſe the Mother Queen* Brunechild *would her ſelf have the Charge of her Son.*

The ſame appears alſo in *Clotharius* II. whoſe Father *Chilperick* being ſlain, whilſt he was in the Cradle, his Mother *Fredigunde* with *Landrine* his Maſter of the Houſe, under the Tutelage and Au-

Authority of *Guntrann* his Uncle, Governed the Kingdom, of which thus *Gregory Turonenſis*, Lib. 7. Cap. 5. Fredegonda *the Queen then having taken Advice, ſent to King* Guntrann, *ſaying, Let my Lord come and take the Kingdom of his Brother; that I have a little Son, which deſiring to put into his Arms, I Humble my ſelf to his Lordſhip.* And *Aimoinus* ſpeaking of *Fredegonda*, Lib. 3. Cap. 58. *The ſame Queen uſing Wiſe Council, ſent to King* Guntrann, *to ſignify to him, that ſhe, together with her Son. which ſhe had Conceived of his Brother* Chilperick, *deſired to give themſelves into his Protection.* Guntrann *being made certain of his Brothers Death, went with great diligence to* Paris: Fredegonda *went to meet him, and received him into the City. Regino* under the year 517 having related the Death of *Chilperick*, Clotarius *then a Child, is by his Mother and by* Landrik, *who was Maſter of the Houſe, advanced to the Kingdom. Ado Viennenſis*, ſpeaking of *Fredegonda*, after the Death of the ſaid *Chilperick*, under the year 564. *So ſhe with* Landrik, *and her little Son* Clotarius, *remain'd in the Kingdom.* And

And *Uſpergenſis* after the year 567. ſpeaking of *Fredegonda*, *Chilperick* having been ſlain by her fraud. *So ſhe with her little Son* Clotarius *held the Kingdom* And *Guaguinus* Lib. 2. after the Death of *Chilperick*. *But* Fredegonda *deſiring more warily to ſecure herſelf and her Son: by Meſſengers prays* Guntrann *King of* Orleans, *to take* Clotarius *and Her into his Protection.* Guntrann *made no delay, and as he came* Fredegonda *went out of the City to meet him; and he, having taken the Charge of his Nephew, Commanded, that the Child* Clotharius *ſhould be carried about to all the Principal Cities of the Kingdom.* And the ſame from *Aimoinus*, relating the Speech wherewith *Fredegonda* gave Courage to her Souldiers, and made them gain a Signal Victory: when after the Death of *Guntrann*, *Childebert* had ſent an Army to ſeize the Kingdom of her Son *Clotharius*, as Lib. 3 Cap. 82.

Fredegonda *then, having called the* French, *who obey'd her, and alſo* Landrin, *who, as we have ſaid, was by* Guntrann *given to* Clotharius *for his Tutor, and theſe being Aſſembled together, ſhe with the*

the Infant in her Arms, ſpoke to them all in this manner. Other Inſtances we have in *Theodebert* and *Theodorick*, Sons of the aforeſaid *Childebert*, who Reigned under the Tuition of their Grandmother *Brundchild*. *Aimoinus* Lib. 3. Cap. 84. *This is* Childebert *Son of* Sigebert, *who is alſo called the younger, to whom ſucceeded his two Sons, both Infants, put under the tuition of their Grandmother* Brunechild. *Regino* after having related the Death of the Father, under the year 517. Theodebert *had the Kingdom of his Father, and* Theodorick *the Kingdom of* Guntrann, *and alſo* Burgundy *from his Grandmother* Brunechild. And Urſpergenſis after the year 367. *But the Elder* Theodobert *had the Kingdom, that is to ſay* Auſtraſia *and the younger* Theodorick *was by his Grandmother* Brunechild *ſetled in the Kingdom of* Guntram, *that is to ſay in* Burgundy.

The ſame in St. *Lewis*, of whom *Guaguinus* Lib. 6. under St. *Lewis*. Lewis *is ſucceeded by his Son* Lewis, *of* 12 *years age, whom his Father left under the tuition of* Blanche *his Mother*. And *Paulus*

Ar-

Æmilius Lib. 7 under St. *Lewis.* Blanche *his Mother had the burthen of the Government, given her by the laſt Will of the King her Husband.*

The Power of the States, where the King is dead, and the Succeſſor uncapable, having none that ought to have the Charge of him, or having ſeveral, and they diſagree.

WHERE the King is dead, the Succeſſor uncapable, and has none to take the Charge of him, either by the diſpoſition of his Father, or by diſpoſition of the Law, or if he have more that are pretenders, and they, to the danger of the Kingdom are in diſcord: or thoſe who ought to have the Charge, by reaſon of the iniquity of the times, cannot be obeyed in thoſe caſes, the power remaining in the Succeſſor, the States have power to make Deputies, for the Government of the Kingdom, this was ſhown in *Clotharius* 3. Son of *Clodoveus* 2. of whom the continuator of *Aimoinus* ſays thus, *Lib.* 4 *Cap.* 43.

The

The ſaid King Clodoveus *dying, who reigned* 16 *years, the* French *did eſtabliſh King* Clotharius, *the eldeſt of the three Sons, to Reign with his Mother.* And *Urſpergencis* after the year 367. Clodoveus *being dead after* 15 *years Reign, the* French *appointed* Clotharius *his Son, with his Mother* Matilda *to Reign in his ſtead.*

The ſame alſo is ſhown in *Charles* the 6. when after the death of his Father, thoſe deputed by him to the Government, by reaſon of their diſcord, rendring themſelves uncapable. The States made proviſion therein, as *Guaguin*, Lib. 9. under *Charles* 6. *Although there was no doubt of the Succeſſor, nevertheleſs, becauſe the firſt-born* Charles (*who is called the ſixth*) *was not then of a fit Age; and thongh his Father had appointed Governours for the Kingdom, and Tutors for his Sons, yet the Princes could not well agree upon their Authority; therefore from all parts of the Kingdom the cheif men were called, and met at* Paris, *to conſult about the conſervation of the new King.*

And a little after, having told the difficulty that aroſe in reconciling the Prin-

Princes, which to effect they were forc'd to chuſe Arbiters. Hee adds, *The Arbiters being Aſſembled, it was declar'd: That* Charles *ſhould be conſecrated and called King, that in his name all things ſhould paſs; that to him Fealty ſhould be ſworn by the Princes, and by the Subjects; that War ſhould not be made, but under his auſpices, that the Infant* Charls, *and his Brother* Lewis *be committed to the care and charge of the Duke of* Burgundy, *and of the Duke of* Burbon, *there, till they came of age, to be Educated and Inſtructed, as was convenient for Kings Sons; that all the Kings Incoms ſhould be depoſited in the Kings Treaſury, but that all the Moveables, and all the Silver and Gold which* Charles *poſſeſſed at his Death a juſt portion being aſſigned to the King, ſhould be given into the cuſtody of* Lewis *of* Anjou, *who, till ſuch time as the King ſhould be of ſufficient age, ſhould uſe only the name of Regent, and when called, ſhould be preſent at publick affairs.*

The

The Power of the States the King being dead, and the Succeſſor, for ſome time uncertain.

WHERE the King being dead, the Succeſſor is not abſolutely, but for a time onely uncertain: in this caſe the States have power during the time of the uncertainty, to declare the Governor of the Kingdom. This is ſhown after the Death of *Lewis Hutin*, who having left his Wife with Child; The States Ordained *Philip* the long, Brother of the ſaid *Hutin*, Governor of the Kingdom, till ſuch time as the Queen had brought forth. Of which *Guaguin* ſaith thus, Lib. 7. after the death of *Hutin*. *Beſides that, this* Lewis *dyed at* Vicennes *leaving with Child his Wife* Clementia, *Niece to* Robert *King of* Sicily; and a little farther; *during this Interregnum*, Philip *Brother of* Lewis, *Count of Poictiers, having by conſent of all the chief men of the Kingdom, taken upon him the Government, was called Governor of* France *and Navarr.* *And* Paulus Æmilius Lib 8. in the death

but a ſhort time, he died the ſecond year of his Reign, leaving his Wife Clementia *big, of whom was Born* John, *who lived only eight days*: Philip *Brother of* Hutin, *had the Charge of her Belly, and the tuition of the Infant.*

The ſame alſo is ſhewn after the Death of *Charles* the Fair, who having left his Wife with Child, *Philip* of *Valoiſe* and *Edward* III. of *England*, pretending to the Government; the States excluded *Edw.* and Deputed *Philip*, of which *Guaginus*, ſpeaking of *Charles* the fair, relates thus, Lib. 8. under *Philip Valoiſe.*

After whoſe Death, his Wife Joan *being big, a Diſpute aroſe amongſt the Princes, who ought to have the Adminiſtration of the Kingdom, till ſuch time as the Queen ſhould be delivered, there were two who pretended to the Right,* Philip *of* Valoiſe, *and* Edward, *Third Son of* Mary, *Daughter of* Philip *the Fair.* Philip *had great Advantage by being the neareſt to* Charles *the fair in the Male Line; but* Edward, *if he had any Right, he had it by a Woman, which Sex in the Kingdom of* France, *was never ſeen to Reign, and for theſe reaſons* Valoiſe *was*

preferred to the Government. And *Paulus Æmilius*, Lib. 8. *under* Charles *the fair.*

The ſame year died Charles *the fair, King of* France, *having left his Wife with Child, the Royal Throne of the* French *is vacant, nor have they any to fill it.* Joan *is with Child by King* Charles, *the Birth is expected, and a Controverſie riſes, to whom in the mean time, the Adminiſtration of affairs ought to be committed.*

And after, having at large related the reaſons propounded by *Philip* and by *Edward*, he adds, meaning the Speech of *Robert* of *Artois*, *this Speech being pronounced, and the aſſent of the chief men obſerved, the* Engliſh *Orators forbare to contend any longer; and a Daughter being Born, ſhe was Named* Blanche, *and* Philip Valoiſe *was Saluted King.*

The

The Power of the States where the dead King has left more Kingdoms and more Succeſſors who diſagree about the Succeſſion.

WHERE the Succeſſor is not in his own reſpect uncertain, but becauſe there are more Kingdoms, and more Succeſſors, and 'tis therefore uncertain in which they are to Reign, either becauſe to each is not declar'd his portion, or becauſe the Succeſſors diſagree, in this it is in the power of the States to declare the Right of every one, this happened after the Death of *Dagobert* the Firſt, who having left two Sons, *Sigebert* and *Clodoveus* the II. who by ſome is called *Lewis*; and having before his Death declared them both Kings: The States of *France*, (though *Sigebert* was the firſt-Born, and in all reaſon ought to have the Kingdom of *France*) nevertheleſs, becauſe his Father had given him the Kingdom of *Auſtraſia*, declar'd *Clodoveus* their King; as if *Dagobert* had ſo order'd it; as *Ai-*

moinus ſaith, ſpeaking of *Dagobert*, Lib. 4. Cap. 30. *his Sons being called, and all his Friends, he ſummoned the States to a place called* Bigargium: *with whom all the Principals of* France, *Convening the* 20. *of* April, *the King ſet in a Chair of Gold ſpoke to them in this manner.*

And after having repeated part of his Speech, he proceeds, ſpeaking of his Teſtament. *I have alſo reſolved to make* 4 *Copies of it in the very ſame Tenor, and Sign them not only with my own Hand, but likewiſe with the Hands of* Sigebert *and* Lewis, *whom this day I make Kings: and with your Hands who are preſent, Moſt Holy Biſhops and Princes of our Nation.*

And in another place, Lib. 4. Cap 26. *The year following,* Toringia *ſuffering daily incurſions of the* Sclavonians, Dagobert *having conſulted with the Biſhops and principal of the Nation, ſet his Son* Sigebert *over the* Auſtraſians, *to ſerve them with the Honour of King and Governour; and gave him* Chunibert, *Biſhop of* Champagne, *and* Adolgiſe, *Governor of the Palace for his Tutors.*

And in another place, Lib 4. Cap. 27.

In

In the 12 *year of King* Dagobert, *was Born to him of his Queen* Nantilde *a Son called* Clodoveus, *who is alſo ſometimes called* Lewis. *Whereupon they being adviſ'd with a', who were accounted moſt Zealous for the good of the Kingdom, the King reſolved to divide it equally between theſe his two Wiſe Sons, and therefore (as has been ſaid) made the Elder,* Sigebert, *King of* Auſtraſia, *and the Younger Son* Clodoveus, *preferr'd to the Dignity of* Neuſtria *and* Burgundy.

Regino under the year 612. *King* Dagobert *coming to* Metz *in a Council of Bishops and Princes, advanced his Son* Sigebert *to the Kingdom of* Auſtraſia, *and recommended him to* Cunibert *Biſhop of* Cologne, *and to Duke* Pipin, *the next year was Born to him another, to whom after his Death, he ordered to be given his Kingdoms of* Neuſtria *and* Burgundy.

Adon Viennenſis after having told the Death of *Dagobert* under the year 686. *The* French *in his place made* Clodoveus *his Son King.* And the Continuator of *Aimoinus* after he alſo had told the Death of *Dagobert* Lib. 4. Cap. 42. *But*

the French *ſet* Clodoveus *his Son King over them.*

The ſame happened after the Death of King *Pipin*, when his Sons *Carlomann* and *Charles*, afterwards called the Great, beeing long before Declared and Anointed Kings, and *Pipin* having many Kingdoms, and it not having bin ſaid, over what Kingdoms each ſhould Reign, The States Declared, as is related by *Ado Viennenſis* under the year 727. *Pope* Stephan *having Anointed* Pipin *King, Anoynted alſo his two Sons* Carloman *and* Charles. By Regino under the year 752. *The aforeſaid Pope* Stephan *Confirm'd with the Holy Unction* Pipin *King, and together with him anointed his two Sons* Charles *and* Carlomann *to the Royal Dignity.* By *Sigebert Gemblacenſis* under the year 752. Pipin *with his Sons* Carloman *and* Charles, *are Anoynted Kings by Pope* Stephan. And *Urſpergenſis* ſpeaking of Pope *Stephan* under the year 753. *After he had received of King* Pipin *ſecurity, That he would defend the* Roman *Church, he confirm'd him with the Holy Unction in the Honour of his Dignity*

nity Royal; and with him Conſecrated his two Sons Charles *and* Carloman, *with their Mother* Bertrada.

And for the Declaration of the States, we have *Eginhard* ſpeaking of *Pipin* in the life of *Charles* near the beginning. *He dyed nigh to* Paris *of a Dropſy, having left two Sons* Charles *and* Carloman, *to whom by the Will of God the Succeſſion came. For that the* French *in a Solemn Convention made them both Kings on Condition, That they ſhould divide all the Body of the Kingdom equally, and that* Charles *ſhould take to Govern that part, which their Father* Pipin *poſſeſs'd, and* Carloman *have that part which their Uncle* Carloman *enjoyed. The Conditions are accepted by the one and by the other, and each, as was propos'd has his part of the divided Kingdom; yet hardly could there hold a good Underſtanding betwixt them, many on* Carlomans *ſide ſtriving to break the Friendſhip, to the End they might engage them in a War together.*

And *Urſpergenſis* under the year 768. after having told the Death of *Pipin*. *But his Sons* Charles *and* Carlomann *with*

the Conſent of all the French *were both Created Kings, the Condition that they would equally divide all the Body of the Kingdom being premiſed, and that* Charles *ſhould take that part which their Father* Pipin, *and* Carloman *that which their Uncle* Carloman *had poſſeſs'd.*

And that without the Declaration of the States, they would have been all to pieces, not only the aforeſaid Quotations ſhow, but theſe Words alſo of *Eginhartus* ſpeaking of *Charles* the Great, in the life of *Charles* after the middle. *After the Death of his Father, having divided the Kingdom with his Brother, bore his Diſſimulation and Envy with ſo much Patience, as was wonderful to all; that he would not be provoked by him to Anger.* And *Paulus Æmilius*, Lib. 2. under the Death of *Pepin.* Charles *and* Carloman *came to Words about the Diviſion of the Kingdom.*

I confeſs here, That theſe and other the like places, have induced many to believe, and to Write, That during the two firſt Lines of the *Merovingians* and the *Charlians*, the Kingdom of

France

France was Elective and not Hereditary, as also that it was divided many times amongst Brothers; nevertheless both the one and the other is most false, because as is above shewn, *Sigebert* and *Clodoveus* were declared Kings in their Fathers life time. And *Charles* and *Carloman* were not Declared, Anointed and Crowned Kings in their Fathers life time only, but had Fealty sworn to them, and were received for Kings by the People. This the Continuator of *Aimoinus* shows, who having said, That *Tassillon* came to *Pipin* whilst he held his States, adds further, Lib. 4. Cap. 64. *Swearing upon the Body of St.* Denys, *promised Fealty, as well to* Pipin *as to his Sons* Charles *and* Carloman.

Regino under the year 756. *King* Pipin *held his States at* Campiegne, *whither came* Tassillon *Duke of* Bavaria, *and having given his Hand became his Man, and Swore many Oaths to* Pipin *and to his Sons upon the Bodies of St.* Denys, German *and* Martyn. And *Usspergensis* speaking of *Compiegna* under the year 757. *Thither came* Tassillon *Duke of* Bavaria,

with

with the principal of his people; and swearing upon the Body of St. Denys, *promised Fealty as well to King* Pipin *himself, as to his Sons* Charles *and* Carloman.

And the Sons of Kings divided amongst themselves either several Kingdoms left them by their Father, or some places that had been Conquered, but never such as were Members of the Kingdom, and incorporated into the Kingdom it self. And that this is true, may easily be gathered from the places above-cited: Because *Sigbert* had the Kingdom of *Austrasia*, which never was incorporated into the Kingdom of *France*; and *Clodoveus* had the Kingdom of *Neustria*, which is now indeed part of *France*. As also happened in *Charles* and in *Carlomann*, whereof the one had the Kingdom of his Father, the other the Kingdom of his Uncle, which were several and distinct Kingdoms, as the continuator of *Aimoinus* shows, Lib 4. Cap. 57. speaking of *Charles Martell*. *Afterwards the said Prince with the Advice of his Nobles, divided the Kingdoms amongst his Sons, to his first*

firſt Born Carlomann, *he gave* Auſtraſia, *which now is called* Germany, *and* Turingia; *and to the younger Son* Pipin, Burgundy, Neuſtria *and* Provence. This ſhall be ſeen more fully in two particular Diſcourſes, but let us return to our deſign.

The power of the States when the King is dead, the Succeſſor uncertain, but the perſons certain.

WHERE the Succeſſor is abſolutely uncertain, but of perſons certain, the States are then Judges, and have power to Declare who ought to be the true Succeſſor, this was ſhown in the aforeſaid *Philip* the Long, when the States after the Death of *Hutin*, had declared him Governor of the Kingdom, and *John* the Poſthume Child of *Hutin* dyed within eight days, and thereby it came to be a doubt, whether the Succeſſion of the Kingdom ought to go to *Philip*, or to *Joan*, Daughter of *Hutin*, and Siſter of *John*; And by the ſame Prerogative, whereby the Go-

Government was Decreed to him the Kingdom it ſelf was now adjudg'd him, as appears in *Guagin*, after the Death of *Hutin* Lib. 7. *in this time* Clementia *whom* Lewis *at his Death left with Child brought forth* John, *a King of few days; who being dead,* Philip *of Governor is declared King; the Duke of* Burgundy *proteſting to the contrary, ſaying, That the Kingdoms of the Father ought not to go to* Philip, *but to the Daughter of the Deceaſed King* Lewis. And *Paulus Æmilius* Lib. 8. under *Philip* the long, *his Pupil* John *being dead, there remain'd of* Hutins *Progeny* Joan, *Born of* Margarite, *Daughter of* Robert *Duke of* Burgundy, *that the Kingdom was due to this Daughter, both by her Fathers Right, and by her Brothers Right, her Uncle* Odon *Duke of* Burgundy *contended; the other Nobles of* France *maintained, That the Right of the Kingdom of* France *belonged to* Males *only, and in no wiſe to Females, often repeating theſe Words of the* Salick *Law.* To the Salick Land let not Women ſucceed. *And they interpreted the* Salick Land *to be the Kingdom, and to be* France. Ammianus Marcellinus

ellinus, *Companion of* Julian Auguſtus, *who had the Government of* Gaul, *and a Writer of his times, Reports, That the* Salii *were a people of the* French. *The* Burgundian, *moved by the Conſent of the* French *Nobility, having made profeſſion that he was under their Authority, and in the Power of* Philip, *is by him made his Son in Law, and preferr'd by the States. So that* Philip, *(none any longer contradicting) being Saluted and Conſecrated King, gave him the Eldeſt of his three Daughters to Wife, with the Country of* Burgundy *for her portion.*

But this was proved with greater Evidence in *Philip Valois*, who by the ſentence of the three States obtained the Kingdom againſt *Eaward* the Third of *England*, which *Guaguin* atteſteth, Lib. 8. under *Philip Valoiſe.*

Wherefore Philip *the Long dying*, Charles *the Fair ſucceeded, who having left* Joan *of* Burgundy *with Child, gave occaſion to theſe Troubles of which we now Treat; for that of the Queen was Born* Blanche, *and thence aroſe the Queſtion which was the Lawful Heir, at the ſame time*

time there remained of Charles Valoiſe; *Brother of* Philip *the fair, a Son* Philip *who was alſo called* Valoiſ, *with a Brother* Charles *Count of* Alanzon. *Then* Edward *and* Philip Valois *contending for the Succeſſion, a Council of the* French *was held, which is commonly called the Aſſembly of the Three States.* And after having told the reaſons alledged on both ſides, he proceeds; *Theſe reaſons prevailing with thoſe who Conſulted with publick Authority, they adjudg'd the Kingdom to* Philip. And Paulus Æmilius in the Words brought before, and in theſe following, when *Philip* being Declared and Crowned King, he repreſents to our Eys the Triumphs at his entrance into *Paris*, and the Joy of the Princes and People, and goes on, Lib. 8. under *Philip Valoſe*, ſaying, *but proſecuting this King with obſervance and ſigular reſpect, they cry'd him up for the Defender of the* French *Majeſty, confirmer of the* Salick *Law, by which alone the Dignity and Liberty of the* French *Name ſtood unſhaken: Becauſe the* French *were wont to give Kings and* Laws *to other Nations, and could not ſubmit to a Foreign*

Do-

Domination, and to be Commanded by a Stranger. And Saiſelle ſpeaking of the Salick Law, in the firſt part. *It happened that the ſaid* Charles *the fair died without Sons, but left his Wife big with a Daughter that was named* Blanch, *and who afterwards was married to Duke* Philip *of* Orleans, *Brother to King* John, *on the occaſion of this want of Sons, many Tumults and Queſtions were mov'd in* France, *as well during the bigneſs of Queen* Joan *of* Burgundy, *Widow of* Charles *the fair, about deciding who, as the next Heir ſhould have the Charge of her Belly; as alſo, after the Daughter was Born, to determine who had the Right to the Kingdom. And the three States General of the Kingdom were called, together with all the notable men of Letters, Sages, Doctors and other people expert in matters of State, and Judicious in ſuch like occaſions. To the which three States, on the one part* Philip *of* Valois, *Son and Heir of the ſaid* Count Charles, *Brother of the ſaid* Philip the fair, *preſented himſelf; which* Philip *as* Comte of Valois, *and in the Line Couſin*

ſin German of the ſaid three Brothers, Kings, who are Lewis Hutin, Philip the long, *and* Charles the Fair, *becauſe they had not any Heir Male, nor other Heir deſcended from them of the Male Line, ſo near as himſelf, and therefore he Claims and Maintains that the Kingdom and Crown ought to be his.*

On the other hand, Edward the Third, *King of* England, *Son of* Edward the Second *otherwiſe called* Carnarvan, *and of* Madam Iſabelle *Siſter of the ſaid three Kings, appeared before the ſaid three States. Who on the contrary, pretended that the Kingdom and the Crown ought to belong to him: becauſe that he was a Male, and of the three above named Kings Heir; being their Nephew, and Son of Madam* Iſabelle, *as was ſaid, their own Siſter, and by conſequence the very next akin of theſe three Kings,* and after, having fill'd many Pages, repeating the Arguments Pro and Con, he adds, *finally all that could be alledged on the one part or on the other, having been heard by the Princes, Prelates, Noble men of good Subſtance, and the other notable men of Letters*

ters, making and repreſenting the three States general of the Kingdom, for the ſaid cauſe conven'd, They ſaid, and decla'd, That according to God, to Reaſon and Juſtice, in their Judgment, the Right of the ſaid Philip *of* Valois *to the Crown and Kingdom was the more clear; and that, in their opinion he was, and ought to be the true King of* France: *and for that Reaſon, and for all they could ſee, underſtand and know of the ſaid matters, they held, and reputed him for ſuch, and all were reſolv'd, and agreed to receive him as the true King of* France, *and their Rightful and Sovereign Lord, and none other: and to obey, and ſerve him in all, and againſt all, as their true, rightful, and ſovereign Lord, and the ſaid* Philip *as true King of* France *was peacefully annointed, and crowned.*

In ſome Caſes, the King yet living, and being Capable, the ſtates have a Power, that may be called *Extraordinary*, and it may be reduced to *Three Heads*; and I call it Extraordinary, becauſe the ſtates of themſelves have not the Power to do any thing, but only to conſent, or to diſſent from what is con-

tained under theſe heads. That is to ſay, as the King cannot meddle in thoſe matters without the the ſtates, there being not a Neceſſity: ſo the States can do nothing, nor ſo much as debate them, without the King.

The Power of the States in Conſenting or Diſſenting from the Alienation of part of the Kingdom.

THE *firſt Head* is when any member of the Kingdom is to be alienated; and with moſt juſt Reaſon, becauſe the King being elected for the Defence and Preſervation of the Publick, and of the Private, 'tis not probable, that the People, and the ſtates have transferred the Power of alienating and ſo of doing directly the contrary, to what he was principally choſen, and advanced for.

This is ſeen by an infinite Examples, that every time the Kings had a mind to alien, either they did it, having convened the States, and with their Conſent; or the States have not ſuffered any alienation to be made. Childebert

debert 1. *willing to endow the Church of* St. Vincent, *which is now of* St. German *of* Paris, *in the very Charter it ſelf gives teſtimony that he did it with the Peoples conſent, which is thus related by* Aimoinus, *lib.* 2. *cap.* 20. I *Chilabert* King, with the Conſent, and good VVill of the French, and of thoſe of *Neuſtria*, and at the Exhortation of the moſt holy *German* Biſhop of *Paris*, and with the Conſent of the Biſhops, have begun to build a Temple in the City of *Paris*, near the walls of the City, in the land, that is againſt our Fiſcal of *Iſci*, to the honour of St *Vincent*, Martyr, whoſe Reliques we have brought from *Spain*: *and a little after.* Therefore to the honour of the Lords Saints we have granted the Fiſcal of our Liberality, that is called *Iſci*, which lies in the territory of *Paris*, nigh to the River *Sein*, with all the appurtenances thereunto belonging.

Dagibert the firſt did the ſame thing, who, having endowed many Churches very liberally, to the end that his Donations ſhould never be called in doubt, confirmed them by his Teſtament in a publick Aſſembly, and by

the ſubſcriptions of the Aſſembly, as the *ſame* Aimoinus *witneſſeth, l b.* 4. *Cap.* 50. having called his Sons, and a multitude of his friends, he commanded a Convention of the ſtates, in a place called *Bigar um*, whither immediately came all the Chief men of *France*, about *April* the 20th, the King plac'd in a ſeat of Gold, ſpoke to them in this manner, *and having related part of his ſpeech, he goes on.* Mindful alſo of the ills I have done, have determin'd to make my VVill and Teſtament, whereby we will make all the Churches of the ſaints of our Kingdom, to this time famous, heirs of what we have given them: I have alſo reſov'd that we make four Copies of the ſame tenor, and confirm them not only with my hands, but of my ſons *Sigbert* and *Lewis*, who I now make Kings, and of yours alſo, who are preſent, moſt holy Biſhops, and Princes of our Nation.

And Clodoveus 2 his ſon; in the Exemption of the Goods granted to the Monaſtery of Saint *Denis*, of which, *Aimoinus* ſpeaking of him, thus relates lib. 4. cap. 41. *The 16th year after he had held*

held the Royal Scepters, commanding the Assembly of the Bishops, and Princes of his Nation, to Clippi *and standing in the middle of them, in the Royal Throne, thus began to speak,* and having repeated part of his speech, proceeds; *You have heard the Intention of our heart, you Priests, who are called God, and all sons of the most High, and having heard, if you approve of it, together with us, strive to make it take effect: The Devotion of my Soul is that, the Monastery of our Protector St.* Dennis, *in which he with his Companions, witnesses of the Truth lie buried; and where our Ancestors of pious Memory Lord* Dagobert, *and Lady* Nantilde *commanded to be buried may be freed from all Dominion of Mortals, in such manner that the Abbot and the Fryers there enjoying the possessions of our Progenitors, or given them by other faithful Christians, without the trouble and molestation of any above them, may the more quietly pray to God for our Health, and for the state of our Kingdom:* and after having made the Exemption with the Applause of the Assembly, he saith; *In this Assembly met almost all the Gallican Bishops, amongst*

whom were ſome holy perſons, who were exalted with the deſerved Honour of the holy Church, it being known, that at their Sepulchres, many vexed with divers Infirmities have been cured, who are the Bleſſed Audoen, *and his Brother Saint* Rade, *and Saint* Eligius *with bleſſed* Sulpicius, *and Saint* Eucherius.

But to bring Examples that are not ſo remote. King *John* being Priſoner in *England*, and in the Treaty for his Liberty: the Engliſh having demanded, and *John*, as ſome ſay, granted a certain part of his Kingdom, the States would not agree, as *Froſſard*, volum. 1. c. 10. *The King of* Navarre, *the Duke of* Normandy *his Brother, and all the Council thought this Agreement too hard; And all with one voice anſwered the two Knights and Lords, who had brought the Letter, That they had rather chooſe to ſuffer a great Evil that was upon them, than that the Kingdom of* France *ſhould be diſmembred, and that therefore King* John *might remain ſtill in* England Guaguin lib. 9. under King *John*, Hereupon, the Ambaſſadors of King *John* being re-

return'd from *England*, with the Conditions of the propoſed Peace: *Charles having called into the Hall of the Palace, many perſons of ſeveral Dignities, commanded* William Dorman, *the Kings Advocate in Parliament, to read at the Marble Table the Articles of PEACE for the ranſom of* John: Edward *demanded for ever to have* Normandy, Santogne, *with the Cities Adjacent* Limoges, Cahors, Tours, Poinctou, Guines, Angolouſm, Tarbe, Porigort, Agennoin, Calais, Montrueil, *which Principalities he would poſſeſs as abſolute Lord, free from all account or acknowledgment.* And after having added ſome other Demands of the Engliſh, he ſayes.

And theſe were the Demands of Edward, *but the Conditions of the Peace ſeem'd unjuſt therefore by the Common Decree War was denounced againſt the* Engliſh. And Paulus Æmilius after having ſaid, That neither would John accept the Terms; as appear. lib. 8 under King John. *And this voraciouſneſs of the Engliſh being reported to the Councill of all France, and to the*

three Eſtates they all took it in Diſdain. And of freſher Memory, The great *Francis* the firſt being Priſoner in *Spain*) having accorded *Burgundy* to the Emperour *Charles* the firſt, though he delivered it not, kept his Faith, by this onely reaſon, that 'twas not in his Power to give it; of which *Herron*, ſpeaking of *Cognac*, lib. 8. under *Francis* the firſt, *A great Aſſembly of Princes Lords and Biſhops, was made, and he declared ingenuouſly the Peace concluded with* Cæſar, *praying them to conſult, and adviſe him what was good and profitable for him and his: Affirming, That he deſired nothing more than to imploy his ſtrength to perform the Agreement, and perpetually to preſerve the Peace with* Cæſar.

They having conſidered the Matter, ſaid, That the Peace was moſt unjuſt, nor ought a Priſoner to obſerve what by fraud and force he was made to promiſe; the Promiſes made for fear of perpetual Impriſonment being Null. And beſides, if the King willed never ſo much, the Performance depended not

not on his Will only. without, that he ſhould of his proper motion demand of the Pope to be abſolv'd from theſe Promiſſes, and with good Reaſon, becauſe he could not by thoſe vain Promiſes ſeparate, and alien the true Patrimony of the Galickane Kingdom. And as not acquired by him ſo he ought to preſerve it to his Succeſſor, and all things to be null, becauſe he had not obtained the Conſent of the People. And after a long time the Nobles of *Burgundy* were called, and *Nancy* making Inſtance to receive them. The King with a long ſpeech began to perſwade them, That they might free him of his Promiſe to *Caſar*, and voluntarily give themſelves to him. They refuſed abſolutely ever to come under the Dominion of *Caſar*, that if the King ſhould perſiſt to compell them, it would follow they muſt reſiſt Force with Force, and free themſelves from all Dominion of King, or *Caſar*, and bear the Yoke of ſervitude no longer.

The Power of the States to Conſent or Diſſent, in order to a War Offenſive.

THE Second head is, every time an offenſive VVar is to be reſolv'd upon, there being the very ſame Reaſon: and then eſpecially if the VVar is to be made in far Countries; Becauſe the Election of a King being deſign'd for their Defence and Protection, as was ſaid, it is not poſſible that the Power of offending others willfully ſhould be transferr'd, eſpecially in remote Countries, which cannot be done without great expence, and much time, and will exhauſt the Kingdom, turn the Kings mind away from the Care of his People, and if he go in Perſon will impede the Government of the Kingdom. And for this Reaſon, every time that the Kings had a mind to an offenſive VVar, they called the States, and took their Counſel, and with their conſent reſolved upon it. So did *Thedorick* King of *Metz*, and ſon of the great *Clodoveus*, when he would make VVar wi h

with the *Toringians*. So teſtifies *Turonenſis lib.* 2. *c.* 7.

Then having called the French, *he ſaid to them, Be angry, I pray, as well for my Injury, as for the Death of our Anceſtors, and Remember, That the* Toringians *came with Violence upon our Anceſtors, and did Infinite Miſchief, when we gave Hoſtages, and would have made Peace with them, they put our Hoſtages to ſeveral ſorts of Death.* And after having related the Havocck that the *Toringians* had made, he proceeds, ſpeaking of the *French: who hearing theſe things, and inraged with the Wrongs ſuffered by them, with one mind, and with one voice invaded* Toringia. To this effect, *Pipin*, *Charlemain*, and *Lewis* the Pious, called the States more often than they have ever been called by all the Kings together that had reigned before them, or that have ſucceeded them And becauſe it would be tedious to relate all the Places, I will only mention ſome of the moſt memorable The Confirmator of *Aimoinus* ſaith of *Pipin*, lib. 4 cap. 66. *King* Pipin *having his Mind diverſly diſtracted*

ſtracted by two Wars, the one already begun in Aquitain, *the other ready to break out in* Bavari, *by the Rebellion of* Taſſillon, *held the General Aſſembly of his People at* VVorms, *and the Expedition being deferred, he ſtayed at home in* France *that year.* The ſame thing, and almoſt the ſame words we have in *Uſpergenſis*, which therefore I ſhall not repeat: the Continuator of *Aimoinus* again, lib. 4. cap. 66. *King* Pipin *to end the War in* Aquitain, *having held the State at* Orleans, *went into* Aquitain. Adon Viennenſis, under the year 727. *ſpeaking of* Pipin. *in the year of our Lord* 765. *he took the Road of* Aquitain, *and held the States at* Orleans. And *Uſpergenſis* under the year 766. Pipin *to end the War in* Aquitain, *having held the State at* Orleans, *went the fift time into* Aquitain.

And a ſignal Teſtimony we have in Eginhart, *ſpeaking of* Charles *the great, and of the ſame* Pipin *in the life of* Charles, after the beginning. *Mov'd by the requeſt, and Prayers of* Adrian *Biſhop of* Rome, *undertook the War againſt the* Lom-

Lombards, *which was firſt, at the Supplication of Pope* Stephen, *with great difficulty undertaken by his Father; becauſe ſome of the* French *Nobles with whom he was wont to adviſe, oppoſed his Will in ſuch manner, that they cry'd out with a free voice, That the King had abandoned them, and they would return to their own Houſes: Nevertheleſs the War went on againſt the King* Aſtolph, *and was ſoon at an End.*

And Charles the great, having received News that the *Saxons* had taken *Ereburg*, and beſieged *Sigisburg*, the Continuator of Aimoinus ſaies, *lib.*4. *cap.*71. Theſe things being related to the King, he held the States near *Wormes*, and reſolv'd immediately with his Army to attaque *Saxony*.

Reginon, under the year 776. *Wherefore the King coming to* Worms, *held there the* Synod, *and the publick States*, which ended, he ſuddenly entred *Saxony* And Uſpergenſis under the Year 772. *King* Charles *having called the States to* VVormes, *reſolv'd with War to fall upon* Sax-

Saxony, *and being ſuddenly entred into it, he put all to fire and ſword.* And of the VVar reſolv'd againſt *Taſſillon*, the Continuator of *Aimoinus* ſpeaking of the *States*, *lib.* 4. *cap.* 79. *Amongſt whom, in the preſence of the Nobles, having related all things that he had done in* Italy, *and having finally made mention of the* Ambaſſadors *that were ſent by* Taſſillon *to find him at* Rome, *it was adviſed to make an experiment how well* Taſſillon *would obſerve his Promiſe.* And *Uſpergenſis* ſpeaking of *Worms*, after his return from *Italy*, under the year 787. *The States then being held there, He told all that had been done in his Journey; and by their Advice he ſent Ambaſſadours to* Taſſillon, *to try if he would obey the Popes Commands, and were diſpoſed to hold touch with him, who diſpiſing thoſe Commands, the King reſolv'd to fall upon* Bavaria *in three places with his Army.* And of the VVar againſt *Deſiderius* the *Lombard*, Pope *Adrian* having demanded his Aſſiſtance, *Reginon* ſaith thus under the year 773. *Then the King having taken the Adviſe of his faithful people, whether he ſhou'd conſent to the Demands*

mands of the Pope, which they all approving; he went into thoſe parts. And of more VVarrs, reſolv'd on at one time; the Continuator of *Aimoinus*, lib. 4. cap. 99. *But the Emperor, Peace being made with* Hemingus, *and the States according to Cuſtom held at* Aquiſgrave, *ſent three Armies into three parts of his Kingdom.* And *Urſpergenſis* under the year 811. *The Emperor, Peace being concluded with* Hermingus, *and the States general held at* Aquiſgrave, *ſent three Armies into three parts of his Kingdom, one beyond the* Albians, *againſt the* Livonians, *which routed them, and repair'd the Caſtle* Goheburg *ruin'd the year before, by the* VVilſians: *the Second into* Pinnonia, *to end the Differences of the* Huns *and* Slavians: *the third againſt the* Bertons, *to puniſh their perfidiouſneſs, all which came off with Succeſs.*

Of *Lewis* the pions, we read ſome ſignal Places in the Continuator of *Aimoinus*, lib. 4. cap 108. he ſaith, meaning *Aquiſgrave. There in the month of* January, *the States were held; by whom, for the Rebellion of* Lindewit, *it was reſolved*

That

That three Armies ſhould be ſent to three parts, to waſte his Country, and curb his Audacity. And a little after, *the Winter being paſt, ſo ſoon as there was any Forage for their Horſes, theſe three Armies marched againſt* Lindowit

In another place, ſpeaking of *Azron* Duke of *Guaſcogn*, who had rebell'd, and by Treachery taken and ſpoild *Anſonne*, with many other Places, and ſolicited *Adrian* King of the *Saracins* to aſſiſt him, lib. 4. cap. 114. *But the Emperor, though highly offended with this News, yet conſidering that he ought to do nothing without Counſel, reſolv'd to ſtay the meeting of his Counſellors.*

And elſewhere, lib. 5. cap, 8. *But the States and general Aſſembly of the People being called, he told them the News, that a certain part of the* Gaſcogns, *long ago under his ſubjection, were now reſolv'd to break their Faith, and to riſe in Rebellion, and that the publick good required that their wickedneſs ſhould be ſuppreſt. This Will of the King was by all applauded, affirming that ſuch things ought not to be ſuffered in Subjects, but ought rather to be ſeverely chaſtiſed.*

Lewis

Lewis the younger, followed the ſame ſteps, when having heard what progreſ the Turks made againſt the holy Land, he reſolv'd to aid the afflicted remains of the Chriſtians there, of which the Continuator of *Aimoinus*, lib. 5. cap. 52. *after the Fame of this ſad Misfortune came to the Eares of the moſt religious King* Lewis, *he full with the Zeal of the holy Spirit, was moved to compaſſion. Wherefore that year, in the Solemnity of Eaſter, he cauſed to be conven'd near* Vaſſelle, *a great Aſſembly, and called thither the Archbiſhops, Biſhops, many Abbots, Nobles and Barons of his Kingdom, amongſt whom was* Barnard *Abbot of* Caravelle. And a little after ſpeaking of the Sermons of the ſaid *Barnard*, and of the Biſhops, he adds, *by whoſe Preaching and Exhortations, breathing the Divine Grace,* Lewis, *being inflam'd, and after him,* Eleonora *his wife, took the Croſs.*

And Guaguin ſpeaking of the ſame Tidings, l. 6. under *Lewis* the younger, *which troubled* Lewis *infinitely, wherefore having called the Aſſembly at* Veſſelle, *which is a Place in* Burgundy, *he comman-*

ded Bernard *Abbot of* Claravelle (*who was afterwards numbred among the* Saints) *to relate the Losses that the Christian Devotion had lately suffered by the* Turks: *which he having discreetly and eloquently done: the King first of all kindled with Charity, took the Cross, and promised to give Aid to the Christian Cause;* Eleonore *his Wife following him, and many the chief of the French Nobility obliged themselves by the same Vow.*

The same thing was done by the same *Lewis*, when he would make War with the *English*, of which *Robert* de monte, under the Year 1175. *about the same time*, Lewis *King of the French called to* Paris *all the Barons of his Kingdom, that would obey him, and with them held a secret Council about his affairs, then the Conte of* Flanders, *the Conte of* Tebald, *the Conte of* Claramonte, *and many others swore that on the day of St.* John's *Feast, they would with the young King pass over into* England, *and as much as they were able subject that Kingdom to him. And the others who remaind, swore, That they would carry an Army into* Normandy, *and take*

all

the places they could, waſte the Country, or beſiege Roan, *which they did.*

Philip the auguſt, when John King of *England* was Excommunicated by the Pope, for having baniſhed the Biſhops out of his Kingdom, did as the former; being moved with Chriſtian Zeal, for that reaſon, wage War againſt the Engliſh, as *Guaguin* lib. 6. under *Philip* the auguſt reports. *This being the ſtate of Affairs in* England, *an Aſſembly was held at* Soiſſons, *in which the* Duke *of* Brabant *was preſent, where 'twas concluded an Enterpriſe worthy of the King to go make war in* England, *and reſtore the Biſhops to their Churches.*

Thus alſo did *Lewis* the Father of the Saint, when he would make war againſt the *Albegenſes*, as was ſhewn before, and it would be ſuperfluous to repeat.

And Saint *Lewis* alſo when together with his People, at the Exhortation of the Pope, he took the Croſs, and engaged for the Holy war: *Guaguin*, lib. 7. under St. *Lewis*. *Wherefore having call'd the Council of all the Kingdom, and the Legate with a long ſpeech, had opened the*

ſtate of the Chriſtian Affairs in Syria, *all with equal Deſires imbracing the Cauſe of the Faith, together with the King, adorned themſelves with the ſign of the Croſs.*

And *Philip* of *Valois* having alſo propoſed to be in at the holy League, of which *Guaguin* ſpeaking of the Marriage of his ſon *John*, lib. 8. under the reign of *Valois*. *The Marriage being celebrated, and an Aſſembly made of many Prieſts, and Primates at* Paris Philip *offered to go for* Hieruſalem, *and to leave the Charge of the Kingdom to* John *his Son of* 14 *years of age, and therefore prayed thoſe that were preſent to obey his Son: and, if that he ſhould dy in this Expedition, that to his Son they would preſerve their Fath And the Oath being taken as* Philip *deſired, he diſmiſſed the Aſſembly.*

The power of the States in Conſenting or Diſſenting from the raiſing of New Taxes without neceſſity.

THE Third head which is as it were linked with the former; is when new Taxes are to be levied without occaſion

caſion becauſe Kings being as has been often repeated, choſen for the Preſervation and Defence of the people, which that they may be able to do, and alſo preſerve their Majeſty, from whence their Reputation ariſes, and Obedience to their Commands; tis neceſſary that they have ſtrength and means; and therefore the people having with the Election aſſigned them over the Royal Rights, which are the Dominions, the Tributes, and other publick Incoms. The Kings ought to be content with theſe. And not without occaſion to raiſe new Taxes, to the Detrement of their Liege people, and contrary to the Intention of their Truſt. And for that Reaſon The Kings have been accuſtomed, every time that they were neceſſitated to lay new Taxes on the people to call the States; to let them know the neceſſity, which for the preſervation of the publick, conſtrains them to theſe Impoſitions, and (having ſeen the Neceſſity. and Advantages that ariſe from the Taxes) to have their Conſent: which, however, ought

to be ſoberly underſtood; for as a wiſe Phyſician who underſtands the ſtate of his patients Body, will apply thoſe Remedies which are neceſſary, without asking his Leave, and will force him, though by cutting off a Limb, to ſave his Life. So there happening a neceſſity unforeſeen, and urgent, that either will ſuffer no delay, or which ought not, for ſome time to be divulged; in ſuch Caſes the King without the States, and indeed, whether the States will or no, may lay new Impoſitions, and make all other neceſſary proviſions by the abſolute Power that he has to rule, and preſerve his State, and Subjects. He not being able to govern or defend them well without the neceſſary forces. And therefore for the like Occaſions, The People in his Election, with the power of Government, have alſo tranſferred the Power to do that, without which the Power of good Government cannot be executed But that the Kings, where there is not that Neceſſity, have called the States to have their Conſent, as in a matter very clear, a

few

few examples may be sufficient.

Philip the August, intending for the holy War, that he might have the means, made a Demand to the States, as *Guaguin* tells us, lib 6. under *Philip* the August. *Money being wanting for so great an Enterprise, the King having called the Bishops and the Nobility to* Paris, *demanded of them to grant the Tenth of the Revenue of the Church, which was called the Tenth or* Saladin: *And* Philip *the fair, when he would make War against the* Flemmings, *as* Guaguin witnesseth, *lib.* 7. *under* Philip *the fair.* "Then the Flemmings rebelling, *Enguerand de Marigni*, who together with *Philip* governed the Kingdom, having called before the King, the people of the Cities, of the Kingdom; and having, before the King discoursed many things concerning the frequent Rebellions of the *Flemmings*, in the End demanded of the Audience, whether, for the War the King was preparing against them, they would give Mony: who answered, That the Kings Affairs should not fail of their Help: for which *Enguerand* having

'given the People thanks, receiv'd a 'great Impoſt for the Payment of the 'Souldiers.

And King *John* for the Engliſh War, as the ſame *Guaguin* lib. 9. under *John of Valois*. '*John* being return'd into *France*, 'had Care to apply his mind to the Bu-'ſineſs of the Warr, and for that end to 'get a Sum of Mony together; which 'that he might do, he call'd the Prin-'cipals of the Kingdom, and by the 'Conſent of all, every year 30000 Sol-'diers were promiſed him, to be main-'tain'd at the peoples Charge.

And the ſame *John* being Priſoner in *England*, after many Seditions that followed in the Kingdom, eſpecially at *Paris*, *Charles* his Son relied purely on the States, as *Guaguin* relates in the ſame lib. 9. 'It being hoped in thoſe daies, 'that the ſtates ſhould again be conve-'ned at *Paris*, *Charles* made the Aſſemb-'ly at *Compiegne*, where, for the raiſing 'of Soldiers and recruits for the war, 'and for the Commonwealth, the ſame 'form was obſerv'd, that the Compag-'nians had agreed on amongſt them-ſelves:

'ſelves: that is to ſay, That for the 'Cities and Lands of the Kingdom, every ſeventieth head ſhould furniſh a 'man of Arms, and for the Villages and 'pen Places, every hundred free men, 'one footman; and every 200 ſervants, 'one; the Clergy to pay their Tenth; 'and the Nobility for every 100 *l.* In'come 100 *s.* for which Payments, Col'lectors were appointed by the People, 'except for the Tenths, of which *Charls* 'might diſpoſe for his dayly occaſions 'at pleaſure.

And the ſame *Charles* after that, his father being dead, he was ingag'd in many Warrs, he alſo had recourſe unto the ſtates: *Gnaguin* lib 9. under *Charles* 5. 'By reaſon of theſe ſtreights 'which the Wars brought him to, ſee'ing neither his Exchequer nor his 'Treaſury were ſufficient to ſupply him 'for the Wars, an Aſſembly being cal'led at *Paris*; by a common Vote it 'was reſolved by all, that for the dai'ly expence of him and of the *Dau'phin*, the King ſhould every year 'have 12 ſols for each pound of Salt that

'that ſhould be ſold. And for the Ne-
'ceſſities of the war, and payment of
'the ſoldiers, the landed men, and thoſe
'that had perſonal Eſtates, each four
'franks; and the Husband man, one
'frank and an half every year: beſides
'an Impoſt upon Wine to be ſold, for e-
'very Veſſel of Wine call'd an Hogſ-
'head, the buyer to pay 30s. for wine to
'be vended by retail, the vendor to
'give the fourth part to the King: for
'wine brought to *Paris*, if *French*, 12 *s.*
'for a Hogſhead to be paid by him that
'brings it; and if other Wine, then to be
'paid double.

And from one ſingle matter of Fact the Juſtice of this head may be proved: King *John* being Priſoner, had for his Ranſom reſigned over *Aquitain* to *Edward* King of *England*, whoſe ſon *Edward* Prince of *Wales* the Governour of *Aquitain*, being return'd from the VVars in *Spain*, extreamly in debt, oppreſt that Province with many and unuſual Taxes and Exactions. *Hereupon* the People appeal'd to King *Charles* the fifth, the Cauſe was examined, and found juſt,

was

was receiv'd, and committed to t'e Parliament at *Paris*, thither was the Prince cited, and not appearing, war declared againſt him: the Caſe is memorable, and we find it in *Froiſſard*, where, having ſaid, that the Lords of *Guiſcogne* would not conſent to the Impoſition, but complaind of it to the King of France, as a Grievance that they would have redreſſed, he proceeds, 1. vol. 246. 'By Reaſon of which Ap-'peal, the prince was exceeding angry; 'and anſwered to the contrary, that 'they ought to have none: and that 'when theſe lands were yielded to his 'Lord and Father by the King of '*France*, then were all Appeals, and all 'the Juriſdictions whatſoever likewiſe 'made over to him: as was ſufficiently 'evident by the Treaties and Inſtru-'ments f the peace in which this par-'ticular was fully and expreſly mentio-'ned. And the Deputies for the Peace had not reſerv'd any one Article of the 'Appeal to the King of *France*. To 'this the *Guaſcons* reply'd, That then 'it was not in the Power of the King

'of

'of *France*, nor had ever been, to ex-
'clude them from an Appeal, without
'the Conſent of the Prelates, and Bar-
'rons of the Cityes, and of the good
'Lands of *Guaſcogne*, that they never
'had ſuffered it, neither were it to be
'done, would they ever ſuffered it: be-
'cauſe that would be to engage the
'Kingdom of *France* continually in
'warr, on theſe Terms ſtood the Prin-
'ces, and Barons of *Guaſcoigny*, and
'ev'ry one ſaying, They had good right
'maintained their own Opinion, and
'with the King of *France* at *Paris*, were
'all theſe, the Conte of *Armignac*, the
'Lord *a'Alebret*, the Conte of *Porigoux*,
'the Conte of *Cominges*, and many other
'Baron of *Guaſcogny*, who continually
'with great eaſe inform'd the King of
'*France*, that the Prince by his Pride
'and Preſumption would impoſe upon
'them, and lay unjuſt Burdens on their
'lands, which things they would never
'ſuffer him to do. And they ſaid, re-
'monſtrating to the King, That to him
'they had appealed, and would that
'the

'the ſaid Prince of *Wales* be called 'to the Parliament in the Chamber of 'the Peers of *France*, there to anſwer 'for the Grievances and Trouble that 'he gave them. Now for all that the 'King of France entertained theſe Lords 'aforeſaid, whileſt they thus ſought 'for aid, and relief from him, as from 'their Sovereign; ſaying, That other-'wiſe they muſt have recourſe to ſome 'other Court, and ſo he would looſe his 'Signiory. Nevertheleſs he deſcended 'not to their Demands but very much 'againſt his mind. And after having told the great Importunity of the principal perſons of France and eſpecially of the Comte of Saint *Pol*, to the King; and that on this occaſion many Copies of the Treaties of peace were ſhown about, and the affair ſufficiently canvaſſed, it follows in cap. 247. 'The King 'of France was ſo much counſelled, and 'exhorted by thoſe of his Council, and 'ſupplicated with ſo much Inſtance by 'theſe *Guaſcons*, that a ſummons was 'form'd and drawn to be ſent into *Aquitain*, to warn the Prince of *Wales* to 'the

'the Parliament at *Paris*. And Guaguin lib. 9. under Charles V. ſaith. 'But the 'Prince of *Wales* being returnd into *A*-'*quitain*, obſtinate in his perfidiouſneſs 'againſt the *French*, and becauſe his *Spaniſh* Expedition had exhauſted his 'Coffers, try'd to lay a new Impoſt 'on every one in *Aquitaine* that poſſeſ-'ſed any goods, this Impoſt the *French* 'called Focage, then having begun to 'vex with gabells the *Aquitanians* and 'the *Guaſcons*, and evilly intreated the 'principal perſons, the Comts of *Armig*-'*nac*, *Albret* and *Perigoux* appealed to 'King *Charles*. And a little after. 'The Appeal of Comte *Armignac*, and 'of the other Primates of *Aquitair*, was 'by publick Decree, brought into the 'Senate of Parliament, and received, 'whilſt the King preſided there, and 'Orders diſpatched for Citing the 'Prince of *Wales* to Judgment.

Some may apprehend, that we might here add for a fourth head, the Debates about the Change of Religion, according to what we have before cited out of *Gregory Turonenſis* and *Aimoinus*, when

when the great *Clodoveus* was to receive the Christian Faith, he declared he could do nothing therein without the Consent of his people, as he had first answered his VVife, who perswaded him thereto, of which *Aimoinus*, lib. 1. c. 14. 'But the King *Clodoveus* celebrating the Nuptials with great Pomp in 'the City of *Soissons*, took for VVife the 'aforesaid *Crohilde*; this Faithful joyn'd 'to an Infidel Husband, made it her 'Care to bring him to the Faith; but 'he denyed that it was in his power, 'confessed that he could not leave the 'Rites and Customs of the *French*, &c.

But this Head will not hold, for that both King and Christian People are oblig'd to the true God, and to his Holy Catholick Church, to preserve that Religion and VVorship which they received and promised at their Baptism, Religion is not to be altered, being founded on that Corner-Stone, and established by the Law of God, yet if through the Lukewarmness or Negligence of Pastors, abuses have crept in, or Heresy troubled the Church; then the Prince

and

and People may awaken the Paſtors, and with their advice reform the abuſes and ſuppreſs the Hereſyes. Thus did *Pipin* as may be ſeen in the Appendix to *Aimoinus*; lib. 4. cap. 67. A Queſtion being ſtarted about the Holy Trinity and the Images of Saints, betwixt the Eaſtern and VVeſtern Churches, that is, betwixt the *Romans* and the *Greeks*; King *Pipin* having called the ſtates, held a Synod upon the ſaid Queſtion.

The ſame Author reports the like of *Charles* the Great, upon the Account of the *Felician* Hereſy, Cap. 85. of the ſame Book. And of *Lewis* the pious, when his ſon *Pipin*, King of *Aquitain*, had ſeiſed many goods of the Churches, particularly of the Church of Saint *German*, in *Paris*, lib. 5. Cap. 13 how he called the States at *Aquiſgrane*; more of this kinde may be ſeen in *Guagin* lib. 7. under *Lewis*, the father of the Saint, and in *Paulus Æmilius* lib 7. under the ſame *Lewis*, and in *Guaguin* lib. 9 under Charles the VI.

How the States have the Power.

TO underſtand in what Manner the States have their Power, tis neceſſary that they have it either in each particular, or in ſome particulars; or in all the Multitude, and in common. In every particular they have it not, becauſe, that before the Men were reduced into a ſociety, no man had other Power than to defend himſelf, ſelf-preſervation being given by Nature, and to every particular. Nor can there be any Reaſon, whereby, any particulars after they are ſetled in a Society, ſhould have more Power than that which they had before a ſociety. Nor could it be expected that they ſhould, for if every one particularly had the Power of the Kingdom in himſelf, no one would be ſuperiour to another, there would be more Commands equal, nor would one obey another. And therefore nothing would enſue, as has been ſaid, but Confuſion, and the Ruine of the Kingdom. The Power then is not particularly

in each particular, nor is it in ſome parti-ulars only, for ſeeing that ſome particulars only engroſſed it not before they entred into a Society, no reaſon can be alledged, why, now that they are in a Society, the Power ſhould reſt in ſome particulars only, and not as well i others alſo. Therefore 'tis not in ſome particulars. Yet that there ſhould be a Power, is neceſſary; for that otherwiſe the Kingdom could not be ſufficient for it ſelf, could not puniſh Malefactors, nor repel Enemies, nor preſerve its ſtate and Commonwealth. It then neceſſarily follows, that the power is not in each particular nor in ſome particulars as particulars, but in all as a Multitude and ſociety. Hence it ariſes, that ſo often as any thing is to be done with the Conſent of the States, the people or multitude, ſo often 'tis neceſſary that the States and people be aſſembled and united together, nor will it ſuffice that every one particularly conſent.

But becauſe as has been ſaid, neither to conſult about the Government, nor to Adminiſter Juſtice, nor to exerciſe the

the other Charges, could the People every day, and upon every occurrence all meet and be united, 'twas therefore neceſſary, That they ſhould chuſe one, and to him transfer their Power.

It is manifeſt, That before the Election, the States had the Power, in the People, and in Common; But that after the Election, they have not in themſelves any Power at all, and that the Power is all in their King, to whom, as to their Prince and Head, at the Election they transferred it.

Whence the States have their Power.

BEfore it has been ſhown that from Nature the States have their Society and their Power, and the power of transferring it to their Prince. But becauſe whatſoever is of Nature, is of God; from God therefore both the Kings and the States have their Power.

Furthermore, to Kill a man, is forbidden by Gods Law, therefore no private perſon may upon any Account, except in his own Defence, kill another;

though a Malefactor: But the States before the Election of their King, and he after the Election hath the power to kill, in the Execution of Justice. The States therefore, and the King have their Power from God, seeing none may derogate from the Law of God, but a Power from God. This is attested by the Apostle Saint *Paul*, saying *There is no Power but of God, therefore who resisteth the Power, resisteth an Ordinance of God*; and this all Kings confess, when in their Titles they say, *by the Grace of God*, &c.

Why the States ought to be called.

ALthough it partly appear from what has been said, for what reasons the States are to be Assembled, nevertheless, because this is the most important of the Questions propos'd, we will handle it more distinctly, and more at large, but in the same Terms we have hitherto used.

Passing by then, what has been said by *Saiselle* in his first part of the Com-

mo

on-Wealth of *France*, and by *Marigli-* and *Hoſpitale*, and all others on this bject, I ſhall deliver only my own nſe.

And ſay, that the Cauſes for which e States ought to be Aſſembled are o, Neceſſity and Convenience; for eceſſity; to do thoſe things, which thout their Authority cannot be ne; or for Convenience, to facilitate d clear the execution of thoſe things, hich might be done, but not ſo con-niently and ſmoothly. nor yet ſo endidly without the States. The eceſſity may be reduc'd under three incipal heads, and the Convenience der two.

Thoſe of Neceſſity are firſt, every e that ſomething is to be done, and e Power is not transferred to the ng.

The ſecond, is every time that ſome-ng is to be done, which belongs to e power that is returned to the tes abſolutely.

The Third is, when ſomething is to done which concerns the Power re-

turned to the States, not absolute
but with restriction either of perso
of times, or of places.

Those of the Convenience are, fi
to facilitate, and give splendour to th
Designs and Actions of the King.

The second is, to take off the Calum
ny and Hatred from the King, and fro
his principal Ministers.

Under the first head of the Necessit
are these Cases, *viz.* To chose a Kin
before an Election, to Consent or Di
sent to the Alienation of the Domain o
the Crown, to enter into an offensiv
War, and to lay new Taxes without
Necessity.

Examples for the first Head of Necessity.

THat to Elect a King is clear in
self to consent to the Alienation o
the Domain, for that we brought ex
amples before, which need not be re
peated But for their Consent to Ne
Wars and new Taxes, I will not om
for the greater Evidence, to produc
ne

new Examples, though many others have been Cited already.

Examples for the Conſent to an Offenſive War.

MAY be ſeen in *Sigon Viennenſis*, ſpeaking of the War which King *Pipin* made the fourth time in *Aquitain*. And in the Continuator of *Aimoinus*, after the year 700 and a little after, when the ſaid *Pipin* went a 5*th*. time into *Aquitain*, lib 4. Cap. 65. when the ſame *Pipin* went againſt *Waifar*; for which three Expeditions he held the States at *Niverſe*, *Orleans* and *Durie*, the like may be ſeen in the ſame Book, Cap. 67. when that King held the States at *Gentiles*, and a little after, when he held them at *Campagne*, for the ſame ſee alſo *Reginon Prumienſis* under the year 760. and under the year 763, and alſo 766. and to the ſame effect *Urſpergenſis* under the year 763, and elſewhere under the year 767 and 765.

And that *Charles* the Great followed the Steps of his Father *Pipin*, is atteſted by the Continuator of *Aimoinus* Lib.

4. Cap. 69. 70. 71. 73. 74. 77. 85. 89. 90. and 100. And of the ſame *Charlemagne*, *Ado Vienneſis* after the year 779. And *Reginon* under the year 777. and in another place, under the year 795 and in the year 800, and elſewhere under the year 812. And *Urſpergenſis* under the year 782. and under the year 795, and alſo under the year 808, and under the year 799.

And that *Lewis* the Pious took the ſame courſe with his Father and Grandfather, may be ſeen in the Continuator of *Aimoinus*, lib 4. cap. 106. 107. 109. 110. 115. 116.

I have only directed to the Authors, that I might not be too tireſome by the repetions, which otherwiſe could not have been avoided, but to the former may be added *Guaguin* lib. 6. under *Philip* the *Auguſt.* and lib 8. under *Philip* of *Valois*, when he made War againſt the *Flemmings*, and after, *lib. eodem*, when he went againſt the *Engliſh.*

Ex-

Examples of the States Conſent to lay new Taxes.

TO prove that, to lay new Taxes, the conſent of the Kingdom is neceſſary, many Examples have bin brought before, yet we will inſtance in two more, the one of *Charles* the V. then when he was *Dolphin*; and the other of *Charles* VI.

Of *Charles* (who was afterwards the V.) his Father King *John*, being a Priſoner in *England*, and he, by the Seditions of the *Pariſians*, gone from *Paris*; Thus *Guaguin*, lib 9. under *John* of *Valois*. *But the* Pariſians *not enduring with a quiet mind the abſenſe of* Charles, *gueſſing that he would one way or other Correct their obſtinacy, endeavoured to appeaſe him, promiſing him money and aſſiſtance, and* Charles *as was convenient, received them willingly into Favour, and permitted them another Aſſembly at* Paris, *not then of all the Kingdom, but of ſome Cities only, and* Charles *being returned to* Paris, *and thoſe Aſſembled who had Orders, nothing of Moment*

ment paſſed, becauſe it was not lawful for a few to determine of what concern'd the whole Common-Wealth.

And of *Charles* the VI. who wanting Money, after another Sedition at *Paris*, had recourſe to the States; the ſame *Guaguin* in the ſame Book under *Charles* VI. *Becauſe there was occaſion for money, the King cauſed the Principals to be Aſſembled, thinking that the publick neceſſity being known, none would deny help to the Wretched Eſtate. But thoſe who were Aſſembled, anſwered, That they had no other Command from thoſe who ſent them, but to Hear and Report, wherefore the King Commanded them to go back with Speed, and having learnt what would be done, that they ſhould return to him at* Pointou, *but it was with one Voice reſolved by all, rather to run the hazard of Death, then to ſuffer the Impoſition of new Gabels, and ſubject themſelves to a ſervile Condition.*

The firſt Example ſhows, that neither the King alone, nor the King with the Conſent of ſome perſons can lay new Burthens upon the Publick. And the ſecond ſhews, that neither can the Deputies

puties of an Aſſembly conſent to new Impoſitions, unleſs impowered thereto by the People who ſent them.

Which yet is to be underſtood, when there is no urgent Neceſſity, either by Invaſion from Foreign Enemies, or by Inteſtine Rebellion at home, which will admit of no delay, for in ſuch Caſe, the King may lay Taxes without the States, not only with the Conſent of a few, bnt even againſt the Will of the States, as has been ſaid.

The Caſes under the ſecond head of Neceſſity, depending on the power that is abſolutely returned to the States.

THeſe Caſes in which the States ought to be Aſſembled, are, to Depoſe the King, who is uncapable, who has been declared ſo as aforeſaid, and has no Succeſſor, and to Elect a New King, if the King is uncapable, and yet has a Succeſſor who is uncapable for ſome time, to appoint a Regent for the Kingdom, during the uncapacity, if the King is uncapable for ſome time, and

and has no Tutor, or has ſeveral who cannot agree, and ſo render themſelves uncapable, To give the King a Tutor and a Regent for the Kingdom.

Examples of the firſt we have ſhown in *Charles* the Groſs, of the ſecond in *Charls* VI. of the Third in *Clotharius* III and in *Clodoveus* II. and in the aforeſaid *Charles* VI.

Under the Third Head of Neceſſity.

THE Caſes are, if there be many who pretend Right to the Succeſſion of the Crown, to Declare to whom the Crown is due: If the Queen is with Child, and thereby for ſome time the Succeſſion uncertain; to Declare the Regent of the Kingdom, during the uncertainty. If there are more Kingdoms and more Succeſſors, and they diſagree about their Succeſſions, to Aſſign to each the Kingdom he ought to Govern.

Under this head, Examples of the firſt and ſecond Caſe we have in *Philip* the Long, againſt *Joan* Daughter of *Hutin*, after the Death of the ſaid *Hutin*,

tin, and in *John* his Son, who lived eight days: and in *Philip* of *Valois* againſt *Edward* III. of *England*, after the Death of *Charles* the fair, of the third Caſe in *Sigebert* and *Clodoveus* II. after the Death of *Dagobert* I. and in *Carloman* and *Charlemagne* after the Death of their Father *Pipin*, and of this and the former head, the Teſtimonies have been produced before, and need not be repeated.

Under the firſt head of the Convenience, to facilitate and give luſtre to the Deſigns and Actions of the King.

WHen the States are to be called on this Head, the Caſes are ſo many that to avoid Confuſion, I ſhall ſet them down ſeverally, with the examples, by this firſt Head then the States are to be Aſſembled when the King takes upon him the Kingdom, when he is Crown'd and takes the Adminiſtration of the Government, to this effect we read of *Lewis* the Pious in the continuator of *Aimoinus*, lib. 5. cap. 10. and in *Otho Friſingenſis* lib. 5. cap. 33. in *Godfrey*

Wi-

Witerbienſis, part 17. and in *Uſpergenſis* under the year 814.

And the ſame *Lewis* having been Depos'd, thought himſelf not fully reſtor'd, without a publick Aſſembly, of which the continuator of *Aimoinus*, lib. 5. cap. 16.

Of *Charles* the Groſs when he took upon him the Kingdom, the like may be ſeen in *Reginon* under the year 884. and in *Sigebert Gemblacenſis* under the year 885.

To this purpoſe of *Lewis* the Stammerer, the continuator of *Aimoinus* writes lib. 5. cap. 39.

Thus did *Lewis* the Groſs, of whom *Guaguin* lib. 6. under the ſaid *Lewis*, and alſo *Charles* VI. as the ſame Author Witneſſeth, lib. 9.

Secondly, the States are to be called to Declare the Succeſſors and have them Crowned.

THUS King *Sigebert* being ſlain, Duke *Gondabold* the principal perſonages of the Kingdom of *Auſtraſia*, cau-

cauſed his Son *Childebert* to be declared King in a full Aſſembly, of which *Gregory Turonenſis* lib. 5. cap,1. and *Aimoinus* lib. 3. cap. 14.

In like manner *Dagobert* the firſt had his Sons declared Kings, as *Aimoinus* witneſſeth, lib. 4. cap. 26. and in another place having ſaid, that *Dagobert* to confirm the Donations, which he had formerly made to ſeveral Churches, by the conſent and ſubſcription of the Aſſembly, and of his Sons *Sigebert* and *Clodoveus*, whom he there declar'd Kings lib 4. cap. 30. and *Reginon* under the year 812.

Of *Lewis* the Groſs, who made his Son *Lewis* be Crown'd, the continuator of *Aimoinus* lib, 5. cap. 51.

And of *Lewis* the younget who would have his Son *Philip* ſo Crown'd, *Robert de Monte* teſtifies under the year 1176.

Third'y,

Thirdly, being many Kingdoms and many Succeſſors to Declare which is every ones proper Kingdom.

SO did *Charles* the great, as the continuator of *Aimoinus* Witneſſeth ſpeaking of him, when he declar'd his Sons *Lewis*, *Pipin* and *Charles* Kings, lib. 4. cap. 94. and cap. 101. *Eginbart* in the life of *Charles* towards the end, *Adon Viennenſis* under the year 813. *Reginon* under the year 806, of the firſt Declaration and Diviſion of the Kingdoms, and in another place under the year 813, ſpeaking of the ſame *Charles*, and *Uſpergenſis* repeating very near the ſame words with *Eginhart* in the deſcription of *Charles* the Great and elſewhere, under the year 806, and in another place under the year 713.

The ſame was done by *Lewis* the Pious, of whom the continuator of *Aimoinus*, lib. 4. cap 109. and lib. 5. cap 17. And *Otho Friſingenſis* ſpeaking of the ſame *Lewis* lib. 5. cap. 33 and

Ur-

Urſpergenſis almoſt in the ſame words under the year 817.

And *Lotharius* followed his Fathers footſteps, when reſolving to be a Monk, and to forſake the VVorld, he called the States, and to his Son *Lewis* gave *Italy*, and cauſed him to be called Emperor; to his Son, who bore his name, he gave the Kingdom called after him, and to *Charles* the youngeſt, the Kingdom of *Provence*. *Reginon* under the year 855.

Fourthly, at the Creation of the principal Officers of the Kingdom.

ON that occaſion the States were Aſſembled by *Clotharius* II. as may be ſeen in *Aimoinus* lib 4 cap. 35.

And by *Lewis* Pious, as the continuator of *Aimoinus*, lib. 4. 117. and lib. 5. cap. 5, 11.

And by *Charles* the Bald, as in the Appendix to *Aimoinus* appears, lib. 5. cap 32. and in *Reginon* under the year 760.

Fifthly, being to go out of the Kingdom, to declare his Reſolution, and to appoint a Regent.

TO this end *Charles* the Great made a Convention of the States, of which the continuator of *Aimoinus*, lib. 4. cap. 73. and cap. 90. and *Urſpergenſis* under the 780.

So did *Charles* the bald, as in the ſame Appendix to *Aimoinus* appears, l. 5. c. 35.

And *Philip* of *Valois*, as may be found in *Guagin*, l. 8. under *Philip* of *Valois*.

Sixtly. To provide for the Safety of the Kingdom.

ON this Account the States were aſſembled by *Lewis* the pious, as in the Appendix to *Aimoinus*, l. 4. c. 114. & l. 5. c. 15.

Seventhly, To make Laws.

THey were conven'd by *Lewis* the pious as the continuator of Aimoinus teſtifieth, l. 4. c. 107. and *Urſpergenſis* almoſt in the ſame words, under the year 819.

Se-

Seventhly. To diſpatch publick affairs, and what is important, and of advantage to the Kingdom.

THus the ſtates are called by *Clotherius* the II. as Aimoinus relates, l.4. c. 15. By *Lewis* the pious, as the Appendix to Aimoinus L.4. c. 100. and elſewhere, c. 114. & c.116. & l. 5. c. 3. & c. 19. And by the chief of the Kingdom under *Lewis*, ſon of *Lewis* the ſtammerer, of which the Continuator of Aimoinus l. c. 39. By *Pipin*, as *Adon Vienenſis* under the year 727. Appendix to Aimoinus l.4.c.64. and *Reginon* under the year 657. *Urſperenſis* under the year 757. *Adon Vienenſis* after the year 776. and by *Charles* the Bald, as the Appendix to Aimoinus l. 5. c. 31.

Eightly. To ſhew the Greatneſs of the Kingdom at the Reception of Ambaſſadors, Marriages, &c.

THIS was practiſed by *Charlemagne*, as may be ſeen in *Reginon* under the year 782.

By *Lewis Pius*, in the Appendix to *Aimoinus*, lib. 4. cap. 103. and cap. 109. and cap. 114. 117. and lib. 5. cap. 4.

Ninthly, To confirm the Minds of his Subjects in Inſtant Dangers.

TO this End they were Conven'd by *Philip* the fair, of which *Guagin*, lib. 7. under *Philip* the fair.

Tenthly, To protect the Church.

THey were called by *Pipin*, as *Reginon* relates under the year 760.

By *Lewis* the Pious, as the cont. of *Aim.* l. 5. cap. 15. and 17. *Urſpergenſis* under the year 819.

By *Lewis* the groſs, as the cont. of *Aimoinus* lib. 5. cap. 49.

Eleventhly, To extirpate Hereſies.

THey were called by *Charlemagne*, and by *Lewis*, Father of the Saint, but of this we have ſpoken before, and ſhall not need to repeat the Examples.

Un-

Under the ſecond Head of Convenience, which concerns the taking away occaſions of diſcontent, and of Hatred to the King and his Miniſters.

THE Caſes wherein the States are Conven'd, are to reſtore and to reform Military Diſcipline and Juſtice; to make Peace; to aſcertain the Bounds of the Kingdom; to Adminiſter Juſtice in Cauſes of great moment and Difficulty; and of great Perſons; to Judge great Rebels; to Correct Princes and Potentates, to divide ſeveral Kingdoms; and to diſcuſs the Cauſes of Divorce between the King and Queen.

To *Reform Military* Diſcipline the States were called by *Guntrann*, when his Armies had miſcarried in the *Spaniſh* Expedition, of which *Greg. Turonen.* l. 8. c. 30.

And by *Lewis* the Pious, as may be ſeen in the continuator of *Aimoinus*, lib. 4. cap. 136.

To *Conclude Peace* they were Conven'd by the ſaid *Lewis*, as in the ſaid Appendix to *Aim.* l. 4. c. 113.

On the ſame Account they were call'd by *Lewis* the XI. as in *Guagnin* lib. 10. under *Lewis* XI.

To *Aſcertain the Bounds* of the Kingdom, *Lewis* the Pious called them to *Aquiſgrane*, as in the continuator of *Aim.* lib. 4. cap. 113. and in *Urſpergenſis* under the year 825.

To *Adminiſter Juſtice* in important cauſes, and of great perſons, they were Aſſembled by *Dagobert* I. when *Sadragefil*, Duke of *Aquitain* being ſlain, his Sons did not proſecute the Revenge, of which *Aimoinus* lib. 4. cap. 28.

By *Pipin* in the Caſe of *Waifar* and *Taſſillon*, of which *Reg.* under the year 764.

By *Lewis* the Pious, as witneſſeth the continuator of *Aim.* lib. 4. cap. 102. 108. 111. 114. and *Urſper.* under the year 823.

To *Judge great Rebels*, they were called by *Charlemagne* at *Ingelheim*, as appears in the Appendix to *Aimoinus*, lib. 4. cap. 80. and in *Adon Viennenſis* after the year 776. and in *Urſp.* under the year 788.

By *Lewis* the Pious in the Appendix to *Aim.* l. 5. c. 17. and 13.

And by *Charles* VII. when the Duke of *Alanſon* had ſollicited the *Engliſh* to make a deſcent into *France*, in *Guaguin.* lib. 10. under *Charles* VII.

To

To *Correct the Princes*, ſome famous inſtances of this kind, under *Lewis* the Pious, by the diſobedience of his Sons *Pipin* and *Lewis*, we have in the continuator of *Aimoinus*, lib. 5. cap. 13. 17. 19.

To *divide the Kingdom* the States were called by *Lotharius* and his Brothers, as is related by *Sigebert Gemblacenſis* under the year 843.

To *treat of the cauſe of Divorce* betwixt the King and Queen, they were Conven'd by *Lewis* the younger, of which the *App.* to *Aim.* lib. 5. cap. 53

In all the aforeſaid Caſes, though they might have been determined without the States, nevertheleſs moſt prudently have the Kings, as has been ſhown, Conven'd the States, to the end, that they might be tranſacted with the greater ſplendor, that they might ſooner come to the knowledge of the people, that the people might more freely conſent, that the Reſolutions might more readily be executed, that all occaſions of Hatred and Calumny might be taken from themſelves and their Miniſters.

Whoſe Right it is to call the States.

THis queſtion in it ſelf has ſo little difficulty, that it would not need many words, did not at all times Faction, masking it ſelf under divers colours, ſometimes of profit, ſometimes of honeſty, ſtrain hard, in the ſight of men to appear Juſtice it ſelf. Therefore that the effects of the one and of the other may be ſeen, following our method, I ſay; That to call the States when the Royal ſeat is full, and the King is capable of Government, belongs onely to the King; if the King is uncapable, and has a Succeſſor capable, it belongs to the Succeſſor, But if the Succeſſor is alſo uncapable it belongs to him who has, or who ought to have the Charge of the Kingdom. Therefore every time that any other whoſoever calls them, they are not the States, but unlawful meetings, and Seditious.

That it is the Kings Right onely to call the States.

THis when the King is capable, is evident by reaſon, for that the States ought

ought to be called upon urgent affairs of the Kingdom, and concerning the Government thereof, but the Government of the Kingdom belongs to the King only, as has been concluded; ſo to the King it belongs only to call the States. This appears in all the Conventions afore-cited, that they were made only at the Kings Command.

And this is ſo clear, that when the King is certain, and can for his Age aſſiſt in the States, though he be a minor, and not Crown'd, yet are they call'd in his Name, and he ſits Preſident amongſt them, this was ſeen when the States were held at *Tours* under *Charles* VIII in the year 1483, and then the Speaker began thus: *Moſt High, and moſt Chriſtian King, our Sovereign and natural Lord, your moſt Humble and moſt Obedient Subjects, the Deputies of the three States of your Kingdom, and of the parts adjacent, for the Clergy, the Nobility, and for the people of the Common State, here met by your Command and Order, appear, and in all Humility, Reverence and Subjection, Preſent themſelves here before You.* This was Printed at *Paris* in the Year 1558.

That

THAT the King being uncapable, the Succeſſor is to call the States, may be ſeen in *Charls* V, then when he was Dolphin, and his Father King *John*, a Priſoner in *England*, of whom *Guaguin* Lib. 9. 'It 'ſeem'd beſt to *Charls*, after the Battail 'was loſt, to retyre to *Paris*, where ha- 'ving call'd, the Principals of the King- 'dom, he expoſed the wretched Condi- 'tion of his Father, with great Sorrow of 'all in the Senate of Parliament, *Peter* '*Foreſtan*, Archbiſhop of *Roan*, and Chan- 'cellor of *France*, ſpeaking for him: the like may be ſeen in many other places of the ſame Lib. 1.

That the Succeſſor being uncapable, he who has the Charge of the Kingdom, ought to call the States, we have an Inſtance in Madam *Lodovica* of *Savoy*, when her Son King *Francis* was Priſoner, and his Sons for want of Age uncapable, ſhe being left by the King her Son, Regent of the Kingdom, call'd the States. *Herron* Lib. 7. under *Francis* the firſt.

When He, who ought to have the charge of the Kingdom has call'd them, we may read of Duke *Gundobald* in *Gre. Turonenſis*. Lib 5. Cap. 1. And

And after the Death of *Lewis* the Stammerer, in the Appendex to *Aimoinus*. Lib. 5. Cap. 39. And at the Declaration of *Odo* Cap. 41. We may add, out of what *Caſſanæus* at large proves, in his Catalogue of the Glory of the World. Part 5. Conſideration 196. That no City, or Particular Society of a Kingdom, though they have common incoms, and would meet for their Particular Intereſt, yet can they not meet without the Leave or Priviledge of the King. The Reaſon is plain, becauſe otherwiſe they might eaſily make Aſſemblies, and unlawful Conventicles to the Prejudice of the Kingdom, as experience has too often ſhown. Thus Meeting by their own Authority, they depoſed their Lawful King *Childrick* Father of the Great *Clodoveus*, as in *Gregory Turonenſis* Lib. 2. Cap. 12. And ſided with *Lotharius* againſt his Father *Lewis* the Pious, as in Lib. 5. Cap. 14.

So they took part with *Richilde* then Wife of *Charles* the Bald, againſt *Lewis* the Stammerer, as in the Appendex to *Aimoinus* Lib. 5. Cap. 36. and againſt his Sons as in the ſame Book, Cap 39.

The like Seditious proceedings againſt

Lewis

Lewis Hutin may be read in *Guaguin*, Lib.7 And againſt *Charles* the fifth, Lib.9

Now ſeeing from the place above-cited and from the like that may be produced, it is manifeſt that ſo often as the States, either in general or particular, have bin Aſſembled by other Authority than that of the King, or of him who had the Adminiſtration of the Kingdom; ſo often have always followed the Depoſition of the Lawfull Kings, or Conſpiracy to depoſe them: 'tis therefore, out of doubt, that thoſe who with Threatnings, and Arms, would force their Kings to call the States, ſeek not a Lawful Aſſembly of them, but under a pretext plauſible to the Peoples Ears, ſtrive treacherouſly to embroyl the Kingdom, in Troubles, in Seditions, Confuſion of all Orders, the Subverſion of Juſtice, and of the Kingly Power, ſo to weaken the Force of the Kingdom it ſelf, and make themſelves Patriots, and Protectors, till they abſolutely uſurp the Crown.

Here it might be enquir'd, whether the King by Cuſtom ought often to call the States. And whether it would be well, or not, that the States were frequently call'd

call'd. But becauſe theſe queſtions fall not under what we propos'd, we ſhall onely ſhow, That the Kings were never by Cuſtom bound to call the States; And, That to call the States is wholly againſt the Conſtitution of a Kingdom.

Whether the Kings are by Cuſtom to call the States.

ALthough, indeed, we find in many Authors, that the Kings about the beginning of *May*, every year were wont to Aſſemble the States, yet *Sigebert Gemblacenſis* ſhows, that the yearly Convention of the States was cauſed by the ſubtlety and craft of the great Maſters, who having got the Kingdom into their Hands, to indulge the Weakneſs of thoſe Kings and to Cajole the people, they made thoſe once a year enjoy the ſhadow of greatneſs and Majeſty Royal, and to theſe once a year ſhow'd the Effiges of their King; And after for the reſt of the time, kept the Kings buried in ſloath, and Commanded the people at Will. The Words of *Sigibert*, are in Engliſh thus, Under the Year 662. 'Then the Kings 'degenerating from their wonted Manhood

'hood and Prudence, the Power of the 'Kingdom, was managed by the great 'Maſters, and the Kings ruled only in 'Name; who were wont to be Princes 'by Blood, but did nothing, nor diſpos'd 'of ought, unleſs it were to Eat and 'Drink without Meaſure, to ſtay at 'Home, and on the Calends of *May* to 'come in view of all the Nation, to ſa-'lute, and be ſaluted; to Give and to re-'ceive Gifts and Obedience: and then to 'be alone till the next *May*.

The Truth of this many Kings have ſhown, who have rul'd with Prudence, and Valour, and therefore never convend the States; as, *Faramond*, *Clodion*, *Merovee*, *Childerick* the firſt, *Otho*, *Hugh Capet*, *Robert*, *Henry* the firſt, *Lewis* XII, *Henry* the ſecond And the others, who did call the States, call'd them not by Cuſtom, but becauſe the Occurences ſo requir'd. When the King had a Mind to doe, what, without the States could not be done, or the eaſie Execution whereof depended on the inclination, and good will of the People, there that the Kings might Compaſs their ends without difficulty, they call'd the States. Be-

Beſides that, ſome hundred of years paſs'd, before the Parliaments and ordinary Tribunal, where the people might have Juſtice, were ordained: and it being therefore needful that the people, as well to obtain Juſtice, as to have neceſſary proviſions in all occurrences, ſhould have recourſe to their King; and becauſe the Kings were continually, engag'd in Warrs, and ſometimes were both Kings and Emperours, and ſo forced to be now in *Italy*, now in *Germany*, now in *Spain*, and now in other Provinces of their Kingdoms, that the people could not always have their preſence. Wherefore the Kings to remedy this inconvenience, publiſhed at certain times, the places, whither they call'd the States: not for Cuſtom but for neceſſity; and that the people might know where to have their preſence, to obtain Juſtice, and propoſe their Deſires: And alſo that the Kings, when Willing to have their Advice; might with their Advice decide the Arduous Cauſes, and order the more important affairs of the Kingdom Wherefore, *Pipin*, *Charlemain*, and *Lewis* the Pious,

ous, who by their continual Wars, had continual need of the Convention of the States, and were in continual Motion, called them not once only, but very often twice, and thrice a year; as may easily be observ'd from what we have cited in this Book.

That to call ths States is contrary to the Constitution of a Kingdom.

IT having before been shown, that by the difficulty of Meeting together, the People were defrauded of that benefit which grows from a Society, and from the Power of it: and that therefore Nature with the instinct of Prudence, in order to bring them together, had induced them to make Election of a single person, and in the Election of him, to transfer to him their Power, because a single person may easily do that, which they, through the difficulty of bringing themselves together, could not always effect. It necessarily follows that in convening the States, there is a relapse to that inconvenience, for the avoiding of which, Kings are elected, and invested with greatness, Majesty, and Power Supreme.

FINIS.

MVSEVM BRITAN